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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

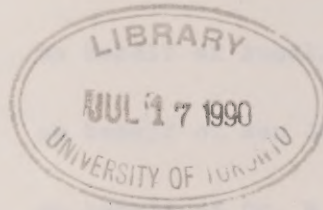
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON WEDNESDAY, MARCH 8, 1989

VOLUME 24

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C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
R. McMURTRY A. PRATT	on behalf of Charles Francis
D. O'CONNOR G. PINHEIRO	on behalf of Angella Issajenko
E. FUTERMAN L.M. LIPKUS	on behalf of Ben Johnson
MR. SOOKRAM	on behalf of Dr. M. G. Astaphan
THOMAS C. BARBER	on behalf of the Sport Medicine Council of Canada
MR. SOJONKY MR. dePENCIER	on behalf of the Government Canada
J. PORTER	on behalf of the College of Physicians and Surgeons of Ontario
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
OSCAR SALA	on behalf of David and Andrea Steen
C. ASHBY MS. S. HICKLING	on behalf of Bishop Dolegiewicz

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the United States. You didn't, if my memory serves me right, tell us what that drug was. Do you know?

THE COMMISSIONER: I am sorry. I didn't hear -- I'm not getting you. Is that mike on?

5 MR. SOOKRAM: Yes, sorry.

THE COMMISSIONER: I didn't hear the question.

MR. SOOKRAM:

10 Q. You told us, Mr. Francis, that Miss Issajenko was on performance enhancing drugs supplied by some doctor in the USA. I can't remember having heard the name of the drug. Did you mention it?

15 A. Yes, there was a series of drugs. She was on protropin -- I'm sorry, crescormone, which is a growth hormone and also Anavar which was supplied at that time.

Q. It wasn't Dianabol, at that time?

A. At that time, no.

20 Q. Did you ask Miss Issajenko about the drug or did she volunteer the information to you?

A. She volunteered the information. I knew she was going and when she came back she told me what had happened when she went there.

25 Q. You did mention that she was obtaining

that drug from a doctor, did you not?

A. Yes.

Q. Do you know the name of the doctor?

THE COMMISSIONER: I don't think that is
5 relevant. We will hear from Miss Issajenko.

MR. SOOKRAM: I appreciate that.

THE COMMISSIONER: It's an American doctor.

MR. SOOKRAM: I didn't intend to ask this
witness the name at this time.

10 THE COMMISSIONER: All right.

MR. SOOKRAM: I just wanted to confirm that
it was a doctor.

THE COMMISSIONER: That's what you were
told, I guess, were you?

15 THE WITNESS: Yes.

THE COMMISSIONER: You were told it was a
doctor? In the United States?

MR. SOOKRAM: Yes.

THE WITNESS: Yes, that's right.

20 MR. SOOKRAM:

Q. And that doctor in the United States
was not Dr. Astaphan?

A. No, it was not.

25 Q. According to your evidence, sir,

sometime in late '79 or early 1980, you and Miss Issajenko were patients of the same doctor, is that right?

A. No, it was a different doctor in Toronto.

5 THE COMMISSIONER: No, he meant the same -- you and Ms. Issajenko were the patient of the same doctor. You're now referring to a Toronto doctor?

MR. SOOKRAM:

10 Q. Yes?

A. Yes, okay. I misunderstood.

Q. And if I remember correctly, you did say that that doctor prescribed small doses of anabolic steroid for Ms. Issajenko?

15 A. Yes, that's correct.

Q. Now, what steroid did he prescribe?

A. Dianabol.

Q. Dianabol. And that doctor was not, in 1979/80, it was not Dr. Astaphan?

20 A. That's correct.

Q. Then in the fall of '81 or the beginning of '82, after you had discussed the possibility with Mr. Johnson of his going on steroids, you took him to the same doctor, is that right?

25 A. In 1981, yes, that's correct.

Q. So it's now, yourself taking along Miss Issajenko and Mr. Johnson to a doctor who prescribed steroids?

A. Not to Mr. Johnson.

5

Q. Not at the time?

A. Not at the time, no.

Q. Had that doctor ever prescribed steroids for Mr. Johnson?

A. No, he did not.

10

Q. And eventually you took Mr. Williams and Mr. Sharpe and Mr. McKoy to the same doctor?

A. Mr. Williams and Mr. Sharpe but not Mr. McKoy.

15

Q. Not Mr. McKoy. So now four of your team members are going to a Canadian doctor in Toronto for steroids?

20

A. No. Simply, Miss Issajenko. The other athletes were brought to speak with the doctor to discuss the possibility of going on steroids and to discuss various side effects and so forth but at that time they did not go on it.

Q. Did they eventually go on steroids with that doctor?

A. No, they did not.

25

Q. Only Miss Issajenko?

A. That's correct.

Q. As regards the steroids which you said you bought from Mr. Dolegiewicz, this was your first source of supply for your team?

5

A. For the other three athletes in question, Mr. Johnson and Mr. Sharpe, Mr. Williams; yes, that's correct.

Q. Not Mr. McKoy?

10

A. No, I have no knowledge of him until this year, this last year.

Q. At that time, you advised the athletes to go to their own physicians for monitoring?

A. That's correct, yes.

15

Q. And the physicians that they went to, was it the -- did they all go to the physician that you had introduced them to or did they still maintain their contact with their own separate physicians?

A. With their own separate physicians.

Q. And you know that for a fact?

20

A. That was my understanding and assurance, yes.

Q. Did you, at any time, check with their personal physicians to see whether or not the physician had anything to report?

25

A. No, I did not. Such a report would be

confidential and only available to the athlete in question, anyway.

Q. In any event, the physician to whom you took Miss Issajenko must have known of your particular
5 interest in that athlete, as distinct from the athletes that you didn't take to him.

Did you make any effort to find out from that doctor whether or not the steroid had any adverse effect on Miss Issajenko?

10 A. Yes, in that I was present with her and it was acceptable to her for me to be present. However, as you can understand, I couldn't simply phone up a doctor and ask for medical records or information on anyone.

Q. After listening to you for a little
15 over four days, I got the impression that you ---

THE COMMISSIONER: Well, Mr. Sookram ask the question.

MR. SOOKRAM: I'm coming to the questions.

THE COMMISSIONER: With respect to your
20 impressions ---

MR. SOOKRAM: I'm coming to the question, sir, because it may dispell my impression.

THE COMMISSIONER: Well, I don't think your impressions at the moment are very helpful. I think you
25 might ask the witness questions ---

MR. SOOKRAM: I thank you for that ruling, sir.

THE COMMISSIONER: And then you can make your submissions as to your impression at a later stage.

5

MR. SOOKRAM: Yes.

MR. SOOKRAM:

Q. The picture emerged, Mr. Francis, very clearly that you were very concerned about your athletes, very, very concerned. You looked after their financial problems, you made sure they ate properly, you made sure they travelled in comfort.

10

But you didn't -- you didn't make a great effort, did you, to really check up on the steroid side of their life, did you?

15

A. Yes, I would say I did, if I tried to send them to their doctors then I would rely on them to -- the doctor who was monitoring the athlete can tell the athlete directly if they'd have any concerns. But I can't ask the doctor for information on another person.

20

Q. Now, do you know the name of the doctor who treated Miss Issajenko, who supplied her with steroids?

THE COMMISSIONER: You know who the doctor is?

25

THE WITNESS: Yes.

THE COMMISSIONER: I expect that the doctor might be called.

MR. SOOKRAM: Thank you, sir.

5

MR. SOOKRAM:

Q. Do you know the name of the doctor who treated Mr. Johnson before Dr. Astaphan came on the scene?

10

A. Yes, I did know his name but I don't remember now. And also, I believe he continued to see him right through, as well as Dr. Astaphan.

MR. SOOKRAM: Will he be called, sir?

THE COMMISSIONER: I don't know. I haven't heard of that yet. Speak to Mr. Armstrong about that.

15

MR. SOOKRAM: Is there any reason why you couldn't give us a name.

THE COMMISSIONER: Or Mr. Futerman. I don't know the name.

THE WITNESS: I don't know the name.

20

MR. SOOKRAM: Do you know the name of the doctor who ---

THE COMMISSIONER: If it is -- if the doctor, Mr. Johnson -- Mr. Armstrong will discuss that with Mr. Futerman and yourself.

25

MR. SOOKRAM: Thank you.

MR. SOOKRAM:

Q. So up to this time, we have four Canadian doctors involved with your athletes, according to you. One for Miss Issajenko, one for Mr. Francis, one for
5 Mr. Williams and one for Mr. -- no -- Mr. McKoy. But he wasn't on drugs at that time?

A. No, he was not. Neither was I at that time.

Q. Yes. And so things rolled on to the
10 fall of '82. That was the time you came into contact, according to you, with Mr. Dolegiewicz? Is that right?

A. Came into contact with him in ---

Q. For the first supply of drugs?

A. For the second supply.

Q. Second supply?
15

A. In the summer of '82. The original supply was in the summer of 1980.

Q. Yes. But it was in '82 that, according to you, Mr. Dolegiewicz advised you that stanozolol, also
20 known as Winstrol, was a milder steroid than the Dianabol, is that right?

A. Yes, that's correct.

Q. And you bought your first supply from him?

A. That's correct.
25

Q. And how many of your athletes tried it out, the stanozolol? I know you told us that Mr. Johnson --- Mr. Johnson's reaction was not efficacious. Did other athletes try the stanozolol?

5

A. Yes, they did.

Q. How many of them?

A. Angella Issajenko, Desai Williams, Tony Sharpe and Ben Johnson.

10

Q. They all gave it up eventually, did they?

A. Within a very short period, yes. Within ten days they all began to feel stiff and stopped taking them.

15

Q. So the team went back to Dianabol?

A. At that time they took no further steroids for the remainder of the year.

Q. Remainder of '82?

A. That's correct.

20

Q. Now, you told us that a physiotherapist or a chiropractor -- I think it was a chiropractor -- was the person through whom you met Dr. Astaphan, is that correct?

A. That's correct, yes.

Q. Had you known Dr. Astaphan before?

25

A. No, I did not.

Q. Had you known of him before?

A. No, I had not.

Q. Do you know if any member of your team had been to him before?

5

A. No, they had not.

Q. This first meeting took place in the fall of '83?

A. That's correct, yes.

10

Q. I wonder if you would mind filling us in with a few of the details of that first meeting. You did generalize and you talked to him about -- you told him about, or Angella told him, about her use of steroids?

A. Yes, that's correct.

15

Q. How did this meeting actually come about.

THE COMMISSIONER: Who was at the first meeting? I've forgotten now.

MR. SOOKRAM: Between Mr. Francis and Dr. Astaphan.

20

THE COMMISSIONER: I know that. You are speaking of Mr. Francis' first meeting with Dr. Astaphan?

MR. SOOKRAM: Yes.

THE COMMISSIONER: Were other people present at the meeting?

25

THE WITNESS: Yes, Angella was there as

well.

THE COMMISSIONER: Thank you. I had forgotten.

5

MR. SOOKRAM:

Q. How did it come about? Who organized it?

10

A. I did. He was in the same building with the chiropractor and the chiropractor suggested I talk to him, especially in light of the sciatic injury that Angella had suffer. He suggested that we talk to Dr. Astaphan and we did so.

15

Q. He was recommended to you by this chiropractor as a person who can deal with sports injuries?

A. That's correct.

Q. Was anything mentioned at that time between yourself and the chiropractor about steroids?

A. No, it was not.

20

Q. So when you arranged this meeting with Dr. Astaphan it was only to discuss sports injuries for for Angella Issajenko?

A. That's correct.

25

Q. And you had told us, did you not, that you had trapsed across Europe and in parts of the United

States trying to find some remedies for Angella's -- Mrs.
Issajenko's hamstring injury and injury to her back, is
that right?

5

10

15

20

25

A. Yes, the sciatic difficulties.

Q. And was this the gist of the discussion that you had, your first -- that you had at your first meeting with Dr. Astaphan?

5

A. Yes, that's correct.

Q. How long did that meeting last?

10

A. Quite some time. I would say perhaps an hour and a half. We spent a great deal of time going over Angella's case, and the examination of her back, and eliciting a history of how she had been injured, what treatment had been applied, what he felt was successful, and what he felt had not been successful.

Q. Did the Doctor make notes whilst you were talking; do you know?

15

A. Yes, he did, I believe.

Q. Did he make any suggestions at that time as to the type of treatment he was going to give or as to whether or not he was willing to take on the patient?

20

A. Yes, he was. And he suggested a series of exercises. He suggested what exercises he felt would be helpful. He suggested what exercises should be avoided. He expressed an opinion on each of the various treatment modes that had used by the various people who had seen her at international meets et cetera, and

25

rendered an opinion as to whether he felt it had been helpful or harmful, and came to recommendations for, you know, where to go in the future.

5 Q. It was at that time in your evidence on Wednesday when you used the phrase he was "in the money". I understood it then to mean --

THE COMMISSIONER: What was the phrase, I am sorry I missed it.

10 MR. SOOKRAM: He was "in the money", Dr. Astaphan --

MR. McMURTRY: On the money.

MR. SOOKRAM: On the money.

THE COMMISSIONER: On the money.

15 MR. SOOKRAM: Thank you, sir. I understood it at the time to be a figurative expression --

THE COMMISSIONER: On the mark, I guess would be the word.

THE WITNESS: He was right, in other words.

20 THE COMMISSIONER: He was right, he was right on the mark.

MR. SOOKRAM: I just wanted to make it clear to my record. Thank you, sir.

THE COMMISSIONER: Okay.

25

BY MR. SOOKRAM:

Q. I understood it to mean he was on the ball, on the mark, on the ball. But am I right, you were referring to --

5

A. Yes.

Q. -- financial implications?

A. No, no.

Q. Right. What made you think he was on the mark?

10

A. I had spoken to Doug Clement, who was the Medical Director for the Canadian Track and Field, an association who I had a lot of respect for, who very seldom ventured an opinion without feeling quite confident that he didn't just throw remedies out at random and make suggestions. He was very careful before making suggestions.

15

I had spoken to Gerard Mach at great length, who had designed probably the most comprehensive program for hamstring injuries that existed in coaching.

20

And we had spoken to Dr. Klimper in West Germany who was the leading sports injury man in Europe, and also to one of the head team physicians from the Polish national team and also had examined her in a clinic in Helsinki. So, we had an extensive number of individuals.

25

Some of the treatments that had been rendered in Canada had been more or less invasive with a great deal of cross friction work in ischial tuberosity which proved to be more harmful than help. And I was able to compare Dr. Astaphan's opinion with all of these various things that were discussed. As you can imagine, I didn't render an opinion to him, I simply catalogued all at things that had been done. And he made his opinions known, what he agreed with and what he didn't.

Q. You were in a sense testing him out to see if he was with it?

A. Yes, that's correct.

Q. And you were satisfied?

A. Yes, I was. I also would point out that it was most extraordinary that a doctor would spend so much time with a patient and examine them that thoroughly. You know, we are talking a great deal of time being spent in a practice which is difficult to find when we were dealing with athletes. They require a great deal of time to go through. It's not like your basic patient who is in and out in two minutes.

Q. When we look -- when you look -- when you looked at the long term effect of Dr. Astaphan's treatment of Ms. Issajenko's injuries, how would you describe the relief that she got from Dr. Astaphan's

treatment?

A. I would say that his treatment was first rate.

Q. She got over her hamstring injury?

5

A. Yes. I might add though that sciatic problems tend to recur, but he did, in my experience, the best job of relieving the sciatic problems as they arose.

Q. He was able to keep it under control?

A. Yes, that's correct.

10

Q. Was there any discussion at that first meeting as regards Ms. Issajenko's drug use?

A. I am not sure whether it was on the first or the second meeting. It may have been on the second, but he rendered no opinion in that area at that time.

15

Q. You can't remember if he was told at that first meeting?

A. No. There were a number of occasions on which we saw him. It may have been the first or the second meeting. At that time, Angella told him she was to see this doctor in the United States. He basically rendered no opinion at the time.

20

Q. Now, can you remember who broached the subject of the doctor prescribing drugs for Miss Issajenko?

25

A. I did.

Q. Was there any special reason why you raised the matter with this particular doctor when in fact you had a supply by that time and Ms. Issajenko had access
5 to an American doctor for the supply of steroids?

A. I was hoping to find a first rate doctor who would be able to see all of my athletes whether or not they were to use anabolic steroids, and who would monitor them and have a feed back system where I would
10 indeed know how they were doing, and that I could be assured that the program would be monitored properly.

Q. By this time you had already built sufficient confidence in Dr. Astaphan to decide that he was a fit and proper person?

15 A. That's correct.

Q. When you first broached the subject, did Dr. Astaphan seem willing to participate in this steroids scheme?

A. He was reluctant to render an opinion, as I say, until he had looked into the matter more fully. He began to obtain materials. In particular, he obtained materials written by the doctor in question in the United States, and read them over and wanted to examine the information and decide whether he agreed or not. He
20 didn't wish to render an opinion without having as many
25

facts in his possession as he could get.

Q. We are at the fall of '83. When did the doctor, if you can remember, prescribe the first set of steroids for Miss Issajenko?

5 A. In the -- in the late winter of '84 --

Q. '84?

A. -- for the spring, because she had a supply, of course, from the American doctor for the first half of the season.

10 Q. I am going to do like my friend here and take you back a little bit.

THE COMMISSIONER: How far?

MR. SOOKRAM: Back to the fall of '83, sir, not too far.

15 BY MR. SOOKRAM:

Q. Was it during that same fall that you took Mr. Johnson to see Dr. Astaphan?

A. That's correct.

20 Q. How long would it be that the time lapse between Ms. Issajenko's first visit and Mr. Johnson's first visit to Dr. Astaphan?

A. Perhaps a month.

25 Q. Perhaps a month. Did Mr. Sharpe go on that first visit with Mr. Johnson?

A. They all went around at same period of time.

Q. But not together?

A. No, I don't believe so.

5

Q. You took them yourself?

A. Not on the first occasions, no, I don't believe so.

10

Q. I think you told us last Wednesday you took Mr. Johnson there yourself; am I wrong -- are my records wrong?

A. I think perhaps you are thinking of the first doctor.

Q. I might have.

15

THE COMMISSIONER: I think he said he sent them or something.

BY MR. SOOKRAM:

Q. When Mr. Johnson first went to Dr. Astaphan, what did he go for?

20

A. I wanted to have all the athletes have a complete medical check up, an assessment. I believe at this time they were beginning to have documents sent out by the Sport Medicine Council of Canada which were quite comprehensive medical reports. And the idea -- they had been recommended by Doug Clement as being quite a

25

comprehensive form. They had various blood levels and so forth. And it seemed like they would be a pretty good base line to have on the athletes to know in fact how fit they were, and to have this in the hands of one physician who could advise and -- the athletes on whether they were over training or whatever, or at least that they were prepared each time they were beginning a new training cycle that they were fit and prepared for the training they would under go.

10 Q. So far as you know, Mr. Johnson didn't go to Dr. Astaphan for the first time with a view to obtaining steroids?

A. No.

15 Q. And when Mr. Sharpe went, did he go the first time with a view to obtaining steroids?

A. No, he did not.

Q. At any one time, sir, what was the largest number of athletes from your team who were connected to Dr. Astaphan's clinic?

20 A. Probably before he left by '86, he was seeing a large number of athletes, a considerable number. I couldn't give you all the facts because a number of coaches were sending athletes to him.

Q. Other coaches?

25 A. Yes. And for treatment of injuries and

many different things.

Q. Is it your evidence, sir, that many of these athletes went to see Dr. Astaphan not to obtain steroids but for other medical purposes?

5

A. That is correct, yes.

Q. Now, do you know, sir, whether or not Dr. Astaphan ever canvassed to obtain these athletes as his patients?

A. No, he did not.

10

Q. How did it happen that so many people from your team, a part from your personal introduction, how did it happen that so many other people from other teams eventually went to Dr. Astaphan?

15

A. The athletes were happy with his treatment, the fact that they were recovering from injuries and doing well, that he cared about them, and that he treated them effectively.

Q. Word went around?

A. Yes, absolutely.

20

Q. Did Dr. Astaphan at any time ask you to send more athletes to him?

A. No, never.

Q. To your knowledge, sir, when did Dr. Astaphan first prescribe steroids and for whom?

25

A. In the spring of 1984, and for Angella,

and Ben Johnson, and Tony Sharpe.

Q. That was three --

A. Three.

5 Q. -- two, three months after Miss
Issajenko's first visit to his clinic?

A. Perhaps four months later.

10 Q. Do you know, sir, whether or not --
before I put that question to you, can you tell the
Commissioner what was your relation, your personal
relationship with the doctor? Were you able to talk to
him freely, freer than you talk to other doctors, who as
you said, were probably unwilling or unable to provide you
with information as regards your athletes? Were you
able -- were you in a better -- in a better relationship
15 with Dr. Astaphan?

20

25

Q. Yes, indeed, I respect him a great deal. I found that he was extremely knowledgeable, especially about West Indian athletes whose blood profiles in many cases tended to be different. There was quite a bit of controversy about hemoglobin levels and so forth and whether there was a difference between blacks and whites. His role as Chief Medical Officer in St. Kitts had given him a very wide cross section of individuals to look at, and he was very familiar with the people he was dealing with.

Q. And he talked freely to you?

A. Yes, I feel so.

Q. To your knowledge then, did he send samples of urine to be tested, samples relating to the athletes for whom he had prescribed steroids?

A. Urine tests?

Q. Yes, did he monitor them regularly?

A. Well, blood tests, yes.

Q. Blood tests.

A. Yes, and routine urine analysis, but the most important would be the blood test and he did so, yes.

Q. And he told you that he did?

A. Yes.

Q. Did he ask you to check from time to

time to see whether or not you had noticed side effects from your athlete's use of steroids and to report to him?

5 A. No, he didn't, because he saw them so regularly that there was never a period of more than a few weeks between times that he saw them.

10 Q. And these time lapses, two weeks or so when the athletes went back to him, would it be only for the purpose of getting further steroids and being monitored, or would it have been for other reasons as well?

A. For other reasons as well, but he kept a very close watch on the athletes. He spent, I would say, a considerable amount of time with each of them, individuals.

15 Q. Had you been to his clinic often?

THE COMMISSIONER: I'm sorry, I didn't hear the question.

MR. SOOKRAM: Did the witness go to Dr. Astaphan's clinic often?

20 THE COMMISSIONER: I don't mean to interrupt you, but when you walk away from the mike, it's hard for me to pick it up.

25 THE WITNESS: Would it be possible to pull the electrical a little bit closer to you? I don't know if it's attached or...

THE COMMISSIONER: I have a little difficulty at the end of the question, as you drop your voice, unless you get mad, then you raise your voice in the end.

5 MR. SOOKRAM: I should probably be a magician walking up and down and deceiving people with tricks.

THE COMMISSIONER: Just keep your voice up a bit.

10

MR. SOOKRAM:

Q. Thank you, sir. Had you actually ever seen a batch of samples of blood or urine being sent out?

A. Yes.

15 Q. You were in the clinic at the time when it was done?

A. Yes. They had a small office across the hall where he would send the patients with the chart and the card and they would take the blood samples across the hall.

20

Q. So we now come to the spring of '84 when, according to my notes, you indicated that before departure for a training camp in Guadeloupe, Dr. Astaphan gave you a supply of growth hormones and a supply of inosine mixed with vitamin B12; is that correct?

25

A. Yes, that's correct.

Q. And you said that somebody on your team had aqueoustestosterone which may or may not have been supplied by Dr. Astaphan. Did you make any attempt to find out whether or not it was Dr. Astaphan who supplied that aqueoustestosterone?

A. I am really not sure. I thought it was, but I wasn't sure.

Q. But you were the person to whom the growth hormone and the inosine was given?

A. Yes.

Q. And you doled it out to those members of the team whom you thought should get it?

A. That's correct.

Q. Was any person in your team between the fall of '83 and the spring of '84 receiving injections from Dr. Astaphan?

A. Not to my knowledge, no.

Q. This aqueoustestosterone could only be given in injection form; is that right?

A. That's correct, yes.

Q. And your evidence was that some of the team members were injecting each other with this substance?

A. Some of them were using it occasionally

as part of the injections of growth hormone and the B12 compound.

Q. You weren't injecting anybody at that time?

5

A. At that time, no.

Q. And Dr. Astaphan wasn't there?

A. No, he was not.

Q. And you don't know who gave them the aqueoustestosterone?

10

A. I am not clear where it came from, no.

Q. The season has ended, you are now in the fall of '84 and you are back in Toronto. You told us that Dr. Astaphan had at this time introduced a water-based Dianabol which had to be given in injection form?

15

A. That's correct.

Q. Now prior to that, all the steroids used, apart from this aqueoustestosterone were taken orally?

20

A. That's correct.

Q. And Dr. Astaphan administered these injections himself?

A. That's correct.

Q. He didn't delegate that authority to his nurse?

25

A. No, he did not.

Q. Did he give at that time any supplies to any of the athletes and say go inject yourself?

5 A. In the spring of '85, there was a series of injections, yes.

Q. We are still in '84. No, sorry, I had reached the spring, yes.

10 A. The fall of '84 going into '85, yes. At the training camp in 1985, yes, he supplied some supplies for the athletes because that would be a period in which they would be--

THE COMMISSIONER: Well, that's the fall of '84 you are speaking of, before '85?

MR. SOOKRAM: Spring training '85.

15 THE COMMISSIONER: Spring training '85.

MR. SOOKRAM:

Q. Where did they train in spring?
Guadeloupe again?

20 A. No, this was in Tallahassee, Florida.

Q. In Florida, and Dr. Astaphan wasn't there?

A. No, he wasn't there.

Q. He wasn't going on the trip?

25 A. No, he was not.

Q. Up to this time, had anybody paid Dr. Astaphan any money for the use of steroids, to your knowledge?

A. Not to my knowledge, no.

5

Q. To your knowledge, did he ask anybody for payment?

A. Not to my knowledge. I believe he got some money for the growth hormone which he had to obtain, of course, but--

10

Q. You had never seen anybody pay?

A. Not to my knowledge, no.

THE COMMISSIONER: I thought you told us that there was one payment.

15

THE WITNESS: I believe that Angella paid for some drugs--

MR. SOOKRAM: That was later on.

THE COMMISSIONER: We are still in the spring of '85, are we?

MR. SOOKRAM: Yes.

20

THE WITNESS: By '85, they weren't using the growth hormone any more, and he did not request any payment.

MR. SOOKRAM:

25

Q. So your services from the fall of '83

to the spring training '85 were not charged to the athletes at all, as far as you know?

A. Yes, that's correct.

THE COMMISSIONER: Well, were they on OHIP?
5 I don't understand that.

MR. SOOKRAM: Well, I expect he would have been, yes. Normal charges.

THE WITNESS: Yes, there was no additional payments.

10 THE COMMISSIONER: No additional payments.

MR. SOOKRAM: No additional payments. I doubt very much whether he could have billed OHIP for the steroids.

15 Q. Then towards the close of Wednesday afternoon at about 3:35, we heard the word Furazabol, and you mentioned that Dr. Astaphan introduced Furazabol. Was that in place of Winstrol or in addition to?

A. On occasions he wanted to use some
20 Winstrol tablets as a stacking agent, as I mentioned earlier--

THE COMMISSIONER: When did water-based anabol stop?

THE WITNESS: In '85. It was the fall of
25 '85 that he switched to a subject he referred to as

Estragol. I later heard it was Furazabol.

THE COMMISSIONER: In substitution for water-based anabol?

THE WITNESS: Yes.

5 THE COMMISSIONER: I'm sorry, Mr. Sookram, I didn't mean to interrupt you.

MR. SOOKRAM: No, I'm gravely for the clarification, sir.

10 Q. And that brought us to the end of Wednesday. Now I look at Thursday morning.

THE COMMISSIONER: What time?

MR. SOOKRAM: About 10:15.

THE COMMISSIONER: Okay, I will make a note of that.

15 MR. SOOKRAM:

Q. You told us, sir, that according to your recollection, Dr. Astaphan left Toronto in the fall of '86 to reside in St. Kitts?

A. That's correct.

20 MR. ARMSTRONG: That was 10:20.

MR. SOOKRAM:

25 Q. 10:20. Dr. Astaphan will eventually tell the commission that he left Toronto to live in St. Kitts in the summer of '86. I don't know if it makes much

difference, but would that change your time schedule?

A. No, we were gone most of the summer anyway, back and forth, and he came several times back and forth to Toronto.

5 Q. Yes. Because you see, later on that morning, you did tell us that when he left, the team subsequently went to St. Kitts in the fall of '86?

A. Yes, that's correct.

10 Q. By which time probably he had settled down?

A. Yes, that's correct.

Q. But before he left, according to your testimony, he left you a mixture of inosine, vitamin B12 and Estragol. Did he leave it with you personally?

15 A. Yes. So it's not confusing, the Estragol was in separate bottles and the inosine and the B12 was also in separate bottles. It was not all mixed together.

20 THE COMMISSIONER: 117A of the exhibit here. One of the bottles is filed.

MR. SOOKRAM: Yes.

Q. Now did Dr. Astaphan volunteer to leave this supply behind or did you request it of him?

25 A. I requested it.

Q. Was the supply paid for by you?

A. Yes, it was.

Q. Cheque?

A. No, it was cash.

5

Q. Any receipt?

A. No. I wasn't going to write it off.

Q. In the fall of '86, you told us that Dr. Astaphan arranged accommodation for your team in St. Kitts?

10

A. Yes, he did.

Q. Where were they billeted when they reached the island?

A. Well, there were three locations. Dr. Astaphan's house, another friend of his, I forgot his last name, his first name was Charles, I remember that, and his mother's hotel which was in downtown Bassterre.

15

Q. And nobody had to pay any of the bills?

A. No, he took care of everything.

Q. Did he discuss with you how he raised the money to take care of the expenses?

20

A. He mentioned something about a committee down there that was supposed to be helping, but I suspect he paid himself.

Q. And airline tickets to get down there?

A. He arranged through his contacts with

25

British West Indies airline a deal where they would fly all the athletes down there for free.

Q. Whether it was a reduced price or half price, nobody in your team was required to pay?

5

A. No one paid.

Q. This was the fall of '86?

A. That's correct.

Q. But it is your belief that Dr. Astaphan met most of the bills himself?

10

A. That's my understanding, yes.

Q. While we are on the subject of money, you told us that--

THE COMMISSIONER: This is real money now, not "on the money".

15

MR. SOOKRAM: Not on the money.

Q. You told us that Miss Issajenko paid Dr. Astaphan \$1,000 shortly before the 1988 Olympics for a supply of synthetic growth hormone?

20

A. That's my understanding, yes.

Q. You weren't there?

A. I was there, but I didn't count the money.

Q. You actually saw money passed?

25

A. Yes, but I didn't count it obviously.

Q. And who told you it was \$1,000?

A. Afterwards I discussed it with Angella.

Q. Afterwards?

A. Yes.

5 Q. Nobody said while she was there here is \$1,000?

A. No.

Q. Was the money handed over just open like that or in an envelope?

10 A. I believe it was in an envelope, but I am not sure.

Q. Where did this transaction take place?

A. It was in the parking lot at the training centre at York University.

15 Q. Was anybody else there apart from yourself and Miss Issajenko and Dr. Astaphan?

A. No, they were not.

Q. If I tell you, sir, that Dr. Astaphan will admit to having administered performance-enhancing
20 drugs, but he will deny that he ever sold drugs to anyone, would that change your--would that incline you to reconsider your version of that part of the evidence?

25

A. No, it would not. I would suggest, however, that do I not believe at any time that he ever sold anything for more than he paid for it.

5 Q. I think the third money matter I wish to clear up is Dr. Astaphan's fee of \$10,000 per month, the fee agreed upon between Mr. Johnson and Dr. Astaphan for three or four month's services?

10 A. That's correct, yes. Ben required that Dr. Astaphan would have to leave his practice and, of course, if he were to leave his practice he would have no income at all because he would be on the road with one customer.

Q. Not just his practice...

15 A. Yes.

Q. His home....

A. That's correct.

Q. His family?

A. That's correct.

20 Q. But, would you say, sir, that Ben had independent advice from Mr. Earl as regards the amount of the monthly payments?

A. I believe so. But, of course, it's not my place to know all that.

25 Q. What was the relationship between Mr.

Johnson and Mr. Earl?

5 A. Well, they were very close and Mr. Earl was very interested in Ben and he was very anxious that Ben received the right treatment so that he not be injured at the Olympic Games.

Q. To your knowledge, did Mr. Earl ever advise Mr. Johnson on financial matters?

A. Yes, he did.

10 Q. And when this meeting took place between Mr. -- Dr. Astaphan, on one side, and Mr. Earl and Mr. Johnson on the other side, were you there?

A. When they discussed the fees, no, I was not.

Q. You were told about it?

15 A. I was told about it.

Q. You were told also that subsequent to that, the "CFTA" came into the picture?

20 A. I was told that an arrangement would be made and signed to the Federation but I have no way to know what, in fact, ultimately transpired.

Q. So it is possible that not only did Mr. Johnson get advice from Mr. Earl, he also got some advice from the "CFTA".

25 THE COMMISSIONER: The CTFA. I made the same mistake and Mr. Bourque corrected me.

MR. SOOKRAM: I thank you, sir. I stand corrected.

THE COMMISSIONER: CTFA.

5 MR. SOOKRAM: I've written it down, all along, right through the wrong way.

THE COMMISSIONER: I was making the same mistake but I was corrected.

THE WITNESS: The throwers liked it referred to that way.

10 THE COMMISSIONER: That's right.

THE WITNESS: The track people like it the other way.

MR. SOOKRAM:

15 Q. Is it your knowledge, sir, that the CTFA paid Dr. Astaphan directly?

A. As far as I know, that's how it would work. I'm not really sure.

20 THE COMMISSIONER: Well, that would be out of a fund. I don't think it came out of CTFA's expenditures.

MR. SOOKRAM: No, it came out of Mr. Johnson's account but paid direct by the ---

THE COMMISSIONER: I see.

25

MR. SOOKRAM:

Q. ---association to the doctor?

A. I assume so, yes.

Q. Did anyone, sir, to your knowledge,
5 express any opinion as to whether or not the stipend was
too much, \$10,000 a month?

A. No, I expressed no opinion. I
certainly didn't think it was unrealistic for a doctor who
would have no other source of income.

Q. Now, this agreement to pay the doctor
10 \$10,000 arose out of a request for his services whilst he
was still in St. Kitts, is that right?

A. Yes, I believe so.

Q. You were in Tokyo with Mr. Johnson at
15 the time?

A. Yes.

Q. And Mr. Johnson had injured a
hamstring?

A. Yes.

Q. Whose idea it was to contact Dr.
20 Astaphan down in St. Kitts?

A. Mine. I telephoned him from Tokyo
initially to advise him that Ben had been reinjured and I
was most anxious that everyone be brought to bear, as I've
25 testified, that all of the principals involved, his

doctor, his physiotherapist, myself, everyone would concentrate on the situation at hand because there was no time to lose.

5 Q. Did Mr. Johnson agree to Dr. Astaphan being called in at that time?

A. Yes.

Q. Did you have any reason to believe that at that stage that a doctor would leave his practice and come to Japan?

10 A. No. It was never a question of his coming to Japan. It was hoped that it could be arranged for him to accompany us in Europe, particularly to the training camp, and the discussion would be that he would be compensated for his lost income by Ben from available
15 endorsement monies in Europe.

Q. Were you surprised when the doctor said I will come only if I am paid. Did it surprise you?

A. No.

20 Q. This doctor who seems so willing to help all the athletes who was, as you say, spent a lot of time in his clinic, more time than most doctors would spend with their patients. Did it surprise you at all that at this stage he's saying, well, I'll come, only if you pay me.

25 THE COMMISSIONER: Is that what he said. I

don't know whether he said that or not.

MR. SOOKRAM: There is a note here, sir, that he first raised the question of payment on the telephone.

5 THE COMMISSIONER: Oh, yes, I recall that, thank you. Something like that.

THE WITNESS: Yes.

MR. SOOKRAM:

10 Q. You were surprised when he asked for payment?

A. No, not at all. Because, one thing he's working and trying to help out but he still has his practice. Obviously, if he leaves, he has no practice so he has no income.

15 Q. Sir, you told us that before Dr. Astaphan came on the scene in 1983 he started getting involved with the team towards the end of '84, early '85. There were several doctors who had, at different times, treated these athletes some of whom had supplied anabolic steroids?

A. Mm-hmm.

20 Q. Now, since Dr. Astaphan came on the scene, there had been no other doctor, to your knowledge, who prescribed steroids for your athletes?

25

A. Not to my knowledge, no.

Q. Would you have gone to some other doctor in 1983 if Dr. Astaphan had refused to participate in the steroid program?

5 A. Yes, I believe so. Or I would have continued -- I would have to find some way to reconcile all of the qualities I was looking for; someone who would monitor the steroids, someone who would treat the athletes and do all these things.

10 Q. And in the meantime you would have continued with the existing doctors who were already involved, whilst you were looking around?

A. I assume so.

15 Q. Would you advise your athletes to continue with their existing drug sources at that time?

A. At that time, I believe so.

20 THE COMMISSIONER: Well, I think you've told us -- I gather from what your statement was, that many other athletes went to Dr. Astaphan, out of Mr. Francis' group, who were not taking steroids.

MR. SOOKRAM: Yes, I appreciate that, sir.

THE COMMISSIONER: Right.

MR. SOOKRAM:

25 Q. From your testimony, sir, it

acknowledges that you were very, very concerned -- tell me if I'm wrong in this -- I expect you will, in any case, if I'm wrong -- you were very, very concerned with putting Canada on the athletic map, is that right?

5

A. That's correct.

Q. From the evidence, it seems to have been your only goal. You lived for it, is that right?

10

A. Well, certainly it was a very high priority to me, yes, but it was not only my goal. I certainly was interested in the welfare and wellbeing of the athletes.

Q. Yes, I appreciate that.

A. I would put that above any other goal I had.

15

Q. Before any other goal?

A. Yes.

Q. So my idea -- or my suggestion that the goal was putting Canada on the athletic map came second or third or fourth?

20

A. It came second.

Q. Second. How did you manage to convince Dr. Astaphan to go along with your ideals?

25

A. I believe that he was concerned about the athletes' wellbeing. He felt that they would continue in a direction which he might or might not have agreed

with. I believe that he had -- he developed opinions as to the manner in which anabolic steroids should be administered, the types of anabolic steroids that should be administered versus other types available. He wanted
5 the situation under a monitored situation and felt that a doctor should be involved. I don't think there's any question.

MR. SOOKRAM: I thank you.

THE COMMISSIONER: Thank you Mr. Sookram.

10 Thank you.

MR. SOOKRAM: Thank you.

THE COMMISSIONER: Mr. Futerman?

MR. FUTERMAN: Mr. Commissioner, Bob and Kirby has been kind enough to advise us that we're able to
15 changes places, although we recognize we can never take their place. We would, at least, like to take their seats for a little while. Perhaps five minutes recess?

THE COMMISSIONER: Five minutes?

20 ---Short recess

THE COMMISSIONER: Mr. Futerman?

MR. FUTERMAN: Thank you, Mr. Commissioner.

25

MR. FUTERMAN:

Q. Good morning, Mr. Francis.

A. Good morning.

5 Q. Before we deal with the evidence that we've heard the last five or six days, I'd like to discuss with you, in a very brief way, the role of the coach.

I'd like to hear your comments as to whether you agree that these are appropriate remarks and the appropriate role that a coach must assume.

10 Q. Would you first agree that a coach is one of the most influential persons in a young man's life?

A. Yes, I would agree.

15 Q. You would agree that a coach's role is to mold a young man's character as well as helping him to be the best that he can be in sport?

A. Yes.

Q. Do you believe that the real message that our young athletes should convey is to be role models for the young people that are watching him?

20 A. I might not agree necessarily.

Q. You don't agree that they should be role models?

A. I think that they could be role models but I believe that athletics has its own position as well.

25 Q. So that how the public or how other

young people may see your athletes are not that important?

5 A. I would say that it's important but I would not say that it's -- you can be put in the position that your actions as an athlete should be held up in any other light than any other member of society.

Q. Are you suggesting to me that it's only the performance that counts and not their character?

A. No.

10 Q. Their character has to be very important?

A. That's correct.

15 Q. All right. And do you also believe that after our young athletes leave sport, that they should help to facilitate its' growth by putting something back into sport after they've left?

A. I believe so.

20 Q. Would you finally agree, Mr. Francis, that a coach plays a very significant role in the character development of our young athletes, their attitudes and their values?

A. Yes, I believe so.

25 Q. And I guess, I should have said finally so quickly but, with the right coach, is it fair to say that a mutual trust develops between the athlete and that coach?

A. I believe so.

Q. Let's talk very briefly about your successes. We heard about them in great detail on Tuesday, last. Has there ever been a Canadian Track and Field coach who has achieved greater success than you?

A. I don't believe so.

Q. Has there ever been a Canadian Track and Field coach whose athletes have won more championships both domestically and internationally than you?

A. Not to my knowledge.

Q. Has there ever been a Canadian Track and Field coach, or any coach for that matter, who's been able to teach their athletes to get off the blocks faster than you?

A. Not to my knowledge.

Q. Is it fair to say that the most important part of your life these past ten years has been track and field?

A. I would say so.

Q. And that ---

A. And the people involved.

Q. And the people involved. And that during your career, both as an athlete and as a coach, you have learned to focus on track and field as your number one priority. Is that fair to say?

A. I would -- it would be fair to say that the athletes in track and field are my number one priority, yes.

5 Q. When I talk about focusing on track and field, for purpose of my question, I'm assuming that the athletes form part of that track and field role that you've assumed?

A. I'm sorry?

10 Q. I'm telling you that when we talk about focusing on track and field, we're also talking about the athletes that you are coaching?

A. Yes, that's correct.

15 Q. So, would it be fair to say that you've learned to focus on your role as a track and field coach and that this has been the most important priority of your life?

A. Yes, the athletes and their wellbeing.

Q. All right. And in terms of coaching your young athletes, have you also --

20 A. Excuse me. I'm sorry if I interrupt you, but I have a fan behind me. Could I get you to speak up just a little bit?

THE COMMISSIONER: There is a noise from a fan back here.

25 MR. FUTERMAN: I'm sorry, Mr. Commissioner.

THE COMMISSIONER: It is not you.

MR. FUTERMAN: I thought I was yelling.

THE COMMISSIONER: That's all right. Well,
don't yell.

5

MR. FUTERMAN: I thought you were going to
tell me not to speak as loud because I was speaking too
loud?

THE WITNESS: There is a fan directly
behind me.

10

MR. FUTERMAN: I understand. Well, don't
hesitate to interrupt me if in fact you can't hear my
question.

MR. McMURTRY: Is it necessary, I wonder,
for the fan to be performing at all times?

15

THE COMMISSIONER: Mr. McBey? It goes off
and on, I think.

THE WITNESS: It just comes off and on
every once in a while.

THE COMMISSIONER: It's on right now.

20

MR. FUTERMAN: Is that all there is?

THE COMMISSIONER: All right. Then, if you
don't hear ---

THE WITNESS: It's okay if you're close to
the microphone.

25

MR. FUTERMAN:

Q. It's okay if I lean over like this?

A. Yes.

5 Q. All right. I'll do the best I can
until my back starts to hurt, then I may have to stand
straighter.

Did it become evident to your group that you
taught and you coached all these years that you knew your
subject well and they respected your advice?

10 A. Yes, I believe so.

Q. However, Mr. Francis, just to clear the
record, you are a coach first, you are not a chemist, and
to my knowledge, I trust from your evidence, that you
graduated with a political science degree from Stanford
15 University somewhere around 1971 and that other than
probably high school chemistry and perhaps something in
college that I may not be aware of it, you have had no
training or expertise in pharmaceutical matters, is that
correct?

20 THE COMMISSIONER: I don't know what you
mean by that? You mean whether he went to school because
he seems to ---

MR. FUTERMAN: Yes, yes or actually taken a
course.

25 THE COMMISSIONER: He seems to exhibit great

knowledge, as you've heard, of pharmacology and the details of it.

MR. FUTERMAN: Well, perhaps we can --

5 THE COMMISSIONER: You're talking about scholastic or academic?

MR. FUTERMAN: I am, Mr. Commissioner. We're going to examine his knowledge and we've heard a great deal about it. Obviously, in certain areas he's obviously accumulated some expertise, perhaps a great deal of expertise.

10 THE COMMISSIONER: You're saying, no scientific training.

MR. FUTERMAN: Exactly, Mr. Commissioner. Perhaps I can rephrase that question.

15 MR. FUTERMAN:

Q. Have you taken any course in any school that would allow you to develop any expertise in pharmacy?

A. No, I've not.

20 Q. All right. Did you take any course in any school that would allow you to develop any expertise in endocrinology?

A. No, I did not.

Q. Or biochemistry?

25 A. No.

Q. Or an internal medicine?

A. No. Or in track and field, either.

Q. Well, in fairness, Mr. Francis, you
5 spent many, many years, both as a runner and as a coach,
in track and field. The accumulation of perhaps 25 years
of your life made you an expert in that area. So you
didn't take any specific training. I trust you didn't
spend 25 years learning about pharmacy?

A. Oh, I think a good 15.

10 Q. You think you did? And you think that
during those 25 years you learned all about, not only the
names of these drugs that you've mentioned in these last
several days, but their side effects, their after effects?
Have you learned about those things as well, as part of
15 your expertise as a pharmacist?

A. I thought we just said that I didn't
have expertise as a pharmacist.

Q. But I think you said you didn't have
any more expertise in track and field and yet you became a
20 coach. I have the impression, and perhaps wrongly and you
can correct me, that you were trying to equate the two;
your expertise as a coach and your expertise as a
pharmacist?

A. No, I'm not.

25 Q. I hope not because I don't think

anybody can quarrel with your expertise as a coach. I think we can all concede safely here that if you're not the greatest track and field coach this country has ever seen, you're certainly in the top three.

5 So, we're not talking about your expertise as a coach, we're talking about your expertise as a pharmacist. Would you agree there is a difference?

A. Yes, certainly.

10 Q. All right. Mr. Francis, like many others in this room, I was very moved when I heard how you and Ross Earl and the Scarborough Optimist Club did so much for these kids at a time when they neither ---

15 THE COMMISSIONER: I don't mean to interrupt but I made the same comment to Mr. Sookram. I have asked you to ask questions and your own impressions are not, at the moment, that material, Mr. Futerman. It was in the field of observation but I'm anxious to --

20 MR. FUTERMAN: I was just trying to do that as a preface to the questions that are going to follow that.

 THE COMMISSIONER: I understand.

 MR. FUTERMAN: So that they would have more chronological validity but...

 THE COMMISSIONER: Go ahead.

25 MR. FUTERMAN: Thank you, Mr. Commissioner.

MR. FUTERMAN:

Q. Is it correct when Ben joined the Scarborough Optomist club he was 15 years of age?

A. That's correct.

5 Q. Weighed about 93 pounds, I think you said?

A. That's correct.

10 Q. And he looked about 12. And had you not known his age, I guess you would have thought he was about 12, is that fair to say?

A. By appearance, yes.

15 Q. By his appearance. All right. Now, what was Ben like then? Was he shy, was he talkative, did he appear bright. Can you describe Ben as you remember him when he first joined your club?

A. He was a very nice young man. He was very shy. He had a speech impediment, as did his brother, Eddie, but certainly he was very likeable.

20 Q. All right. And did he talk a lot? You said he was shy, did you have to draw him out of conversation? Did he have a lot to say when you met him?

A. He was very quiet in the first period. He tended to talk more when his brother wasn't around.

25 Q. And his brother, how long did his brother remain with the club? Another year?

A. Well, his brother got a scholarship to an American university.

Q. What year was that?

A. It would have been the fall of '78.

5

Q. And I guess Ben, at that time, was 16 years of age?

A. Seventeen.

Q. Well...

A. Sixteen, going on 17.

10

Q. Not in the fall?

A. He was 17 on the 30th. He was still

Q. He was still 16?

A. Yes.

15

Q. And did he change after his brother left. Did he become talkative, less shy?

A. He became a lot more open because he was more used to dealing with everyone in a group and became a lot more ---

20

Q. But, a lot more open, was he still a shy boy at that time?

A. I would say generally, yes.

Q. And he did more listening than talking?

A. Generally, yes.

25

Q. And when he talked, he didn't have a

whole lot to say?

A. He had a fair bit to say.

Q. He did, all right. Now, how old was Mark McKoy back in 1978?

5 A. Well, he would have been 16.

Q. And what about Tony Sharpe?

A. Sixteen.

Q. And Desai Williams?

A. I should say 15 and a half for Tony.

10 He was six months older than Ben.

Q. All right. And what about Desai?

A. Eighteen, going on 19.

Q. And Angella?

A. She was 18 when she started.

15 Q. So, is it fair to say that all these kids were between 15 and 18 when you first became their coach?

A. That's correct.

Q. Now, since 1979, until Seoul, you were Ben's only coach?

20 A. That's correct.

Q. You spent 11 years with him, during most of his teen years and all of his young adult life?

A. That's correct.

25 Q. Is that correct? How many hours a day

was Ben with you? Let's talk about the first four years prior to 1981?

5 A. Well, it depended. In the beginning he would be there perhaps two hours a day but as he improved, he began to go in training camps and trips and was there more and more.

 Q. Well, let's say by 1979, two years later, how many hours a day was he spending with you?

10 A. Well, once again it would depend. But once you got to the European period he was spending entire days or even weeks on the road with the athletes and with me.

 Q. And how many days a week was he spending with you?

15 A. Six days a week.

 Q. Is it fair to say that during these past 11 years that, other than his mother, no adult has spent more time with him?

 A. I believe so.

20 Q. During this time, let's talk about the first four years, did you become close to Ben's family?

 A. I only knew his mother to speak with her on the phone and, of course, I knew Eddie and occasionally I talked to his sister, Jeannie.

25 Q. Had you met Mrs. Johnson?

A. I believe only once or twice.

Q. You had said last week, I believe, that she took on a second job so she could help finance Ben's training?

5 A. Yes. That was in '79. She phoned me before we went to Europe.

Q. Did you form any impression as to the kind of woman she was when you talked to her?

A. I thought she was a very fine woman.

10 Q. Did you form any impression as to whether Mrs. Johnson was a deeply religion woman with a deep sense of morality?

A. Yes, I did.

15 Q. Would it be fair that Ben worshipped his mother?

A. I would say so. He still does.

Q. And would you also say that you knew that, at that time, that Ben's father was in Jamaica?

A. Yes.

20 Q. Did you ever tell Mrs. Johnson that you were considering giving Ben steroids?

A. No, I did not.

Q. Did you ever tell any of his sisters?

A. No, I did not.

25 Q. Don't suppose you called Ben's father

in Jamaica either?

A. No, I did not.

Q. When you first approached Ben about the use of anabolic steroids, he was still 19. I think you've said the other day you thought he was 20 but I think we've all agreed that you're better in pharmacy than you are in mathematics. Would 19 be more correct in retrospect?

A. That's correct.

THE COMMISSIONER: What year are we at now?

THE WITNESS: We're in 1981, the summer.

MR. FUTERMAN:

Q. I guess sometime in 1981.

A. Yes.

Q. Is that correct?

A. Yes.

MR. FUTERMAN: He was 19.

THE COMMISSIONER: Nineteen? And he would be 20 in December 30th.

THE WITNESS: December 30th, yes.

THE COMMISSIONER: He would be 20 in December of 1981?

MR. FUTERMAN: That's correct. Yes, Mr. Commissioner?

THE COMMISSIONER: We're talking before

December. Thank you.

MR. FUTERMAN:

Q. That's correct, yes.

5

A. I'm not that good in math. I know his birthday is December 30th, '61, so I'll leave it to you.

THE COMMISSIONER: I've got to count my fingers.

10

MR. FUTERMAN:

Q. Do you know if Ben had completed school by that time?

A. He had gone to a level four school.

Q. I'm sorry?

15

A. A level four school.

Q. Well, perhaps you can tell us what kind of school that was? What is a level four school?

A. Well, we used to refer them as a paedagogical dumping ground. We didn't think they were

20

Q. Paedagogical dumping ground is, I understand, what you refer to as a teacher's dumping ground? Is that what you mean by paedagogical?

A. They would end up there and often wouldn't get a lot of instruction in the school.

25

Q. Are you saying that only teachers that couldn't make it anywhere else went there? Is that the impression you're creating?

5 A. I'm just simply quoting another coach who, Peter Cross, who used to work in the Board of Education. He wasn't very happy with the system. He felt, as I did, that many of the island kids were wrongfully sent there and that they didn't get the opportunities and were streamed into these schools because
10 of initial language difficulties and other problems and they didn't get the opportunity to attend the five year schools which many of them would have been successful in.

We had the case of Milt Otty and others who similarly were able to transfer out of those schools and
15 do well afterwards and complete university.

Q. You're telling me that after you conversation with Peter Cross and your own observations, you came to the conclusion that this kind of school was for teachers that couldn't make it in other areas? Is
20 that the ---

MR. McMURTRY: I don't think that's what he said. He wasn't talking about teachers. He was talking about students.

MR. FUTERMAN: No, no, with great respect,
25 Mr. Commissioner, I asked him and perhaps he can correct

the record if it's not correct ---

THE COMMISSIONER: He said, as a result of a conversation with somebody else that they didn't have a high regard for the academic qualification given to the students.

5

MR. FUTERMAN:

Q. He went further than that. He called it a paedagogical dumping ground which I understand is a teacher's dumping ground and perhaps he can correct that if it's not accurate.

10

A. I was just referring to the comment that had been given to me. I was very concerned at the time about these schools. They didn't exist, as far as I remember, when I went to school.

15

A lot of the immigrant kids were getting put into these schools and a lot of the coaches were very concerned about it and did not like the idea that their athletes were being pushed into these schools.

Q. Did you go down to speak to the principal of this school?

20

A. On one occasion, I did speak to the principal, yes.

Q. And who was the principal?

A. I don't remember his name but I did speak to him.

25

Q. Do you remember the name of the school?

A. Yorkdale.

Q. After speaking to the principal were
you still of the same impression or opinion that Yorkdale
specifically was a paedagogical dumping ground?

A. He didn't seem very interested in Ben's
wellbeing. He had a teacher; her first name was Linda
who, for many years ---

Q. Linda McNickle?

A. Yes, Linda McNickle, who for many years
was very interested in Ben. She suggested, on numerous
occasions, that, you know, he was someone special who
should have some opportunities. She was anxious that he
go to one of the trade schools and eventually he enrolled
in one of the community colleges.

THE COMMISSIONER: I'm sorry, I didn't hear
that? Who enrolled, Ben did?

THE WITNESS: Ben did, yes.

THE COMMISSIONER: Yes.

MR. FUTERMAN:

Q. Are you telling me, that Linda McNickle
shared your view of Yorkdale?

THE COMMISSIONER: I don't know what ---

THE WITNESS: I don't think that's fair.

She, in fact, works there. But, she was a very concerned individual who felt that Ben did not belong there, that he had more on the ball and should have the opportunity to further his education or advance himself somewhere else.

5

MR. FUTERMAN:

Q. All right. We may hear from this witness so we can have her own observations. Did you inquire at Yorkdale -- do you know how many years Ben went there?

10

A. I'm sorry?

Q. Do you know years Ben went to Yorkdale?

A. I believe he was there four years.

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Q. And do you know what kind of student Ben was at Yorkdale?

5 A. Well, again it depends on what the challenges are to the student. I knew what kind of person he was.

Q. Do you know what kind of school it was? Specifically, what was Yorkdale for, what kind of student?

A. They were disadvantaged students.

Q. In what way were they disadvantaged?

10 A. Well, I don't know. I think we are having a difference of opinion as to who should have gone there in the first place.

Q. All right.

15 A. I didn't want him there in the first place.

Q. So, you felt that when it comes to determining what school a young man should go to, you were in a better position to assess that --

20 THE COMMISSIONER: I think that's not fair, Mr. Futerman. What he is trying to say is I think that he thought Ben Johnson had much more talent and ability than would be brought forth in that school. Is that what you are saying?

THE WITNESS: Yes, exactly.

25 THE COMMISSIONER: That's his opinion.

MR. FUTERMAN: Well, I understand that.

THE COMMISSIONER: That's what he is trying to say. He thought he had more potential than could be drawn out at this school. And he may be right or wrong on it, but that's what he said.

MR. FUTERMAN: Mr. Commissioner, perhaps so that I can understand the balance of my cross-examination, are you suggesting to me, sir, that I can't challenge that opinion?

THE COMMISSIONER: Well, I don't know where -- you are not trying -- you have been -- I don't think Mr. Francis claims he is a doctor of education. We know he is not a doctor of pharmacology. I am not trying to interrupt you a bit, but you can challenge it, I just don't know where -- he may be right or wrong, he is just expressing an opinion on it.

MR. FUTERMAN: Mr. Commissioner, this could be very important to me in my cross-examination so that I --

THE COMMISSIONER: You proceed, I don't mean to interrupt you, I am just trying to clarify because I think that's what he was saying what his opinion was that -- as to why he wasn't happy with Ben Johnson being in this particular school.

MR. FUTERMAN: But with respect, Mr.

Commissioner, perhaps I don't understand the thrust of your position --

THE COMMISSIONER: I am not taking a position.

5 MR. FUTERMAN: This witness has said on many occasions, if I may continue, that he disagrees with certain things that a lot of people have said about a lot of things whether it's doctors or other athletes or --

10 MR. MCMURTRY: Well, now, I mean I think we are getting a little further afield. Apparently, I think it's very clear what Mr. Francis has said that as far as he was concerned, Ben Johnson was bright enough to go to a better school. And that's his opinion.

15 MR. FUTERMAN: And Mr. Commissioner, with great respect to my friend, I have a right to challenge that opinion in cross-examination.

20 THE COMMISSIONER: No, but I think in all fairness that's what the witness is saying. I am not sure that you understood it, and I think that's what he was saying, he could be bright or wrong about it.

MR. FUTERMAN: As long as I have a right to challenge his opinion as I think I do in cross-examination.

25 THE COMMISSIONER: Yes, but his opinion on -- well, go ahead, I don't mean -- I am not trying to

interrupt you or curtail you. I am just trying to clarify where we are at the moment. And you may have misunderstood his answer, I think.

5 MR. FUTERMAN: Well, it's quite possible, it won't be the first time --

THE COMMISSIONER: Just carry on.

BY MR. FUTERMAN:

10 Q. -- I misunderstood somebody and I may have misunderstood Mr. Francis' answer, and I will go over it again.

15 THE COMMISSIONER: We have gone over that several times, but, go ahead now, Mr. Futerman. He is giving his opinion as to why he was not happy with Ben Johnson being placed in this particular school. And he's -- he's told why. So now, if you say he was wrong about that, ask him. I suspect he will think he was right.

20 MR. FUTERMAN: Mr. Commissioner, and I guess this is a matter of how you and I may look at cross-examination. I think I have a right any time a witness gives an opinion on any subject to challenge that opinion. And I think that's what I am trying to do.

25 THE COMMISSIONER: Well, with respect, Mr. Futerman, it depends, it's got to be something quite

relevant and also depends on what the nature of the challenge is. If -- anyway he's expressed an opinion. It's hard to challenge people on their opinions.

5

MR. FUTERMAN: Surely I can challenge him on his opinions.

THE COMMISSIONER: All right. Go ahead, please. I certainly don't want to curtail any of your cross-examination provided it is within what I think appropriate confines.

10

MR. FUTERMAN: The difficulty, Mr. Commissioner, from your point of view at this time and fairly so is that you don't know where I am going.

THE COMMISSIONER: Please carry on, Mr. Futerman, and we will see where we are at on this particular area.

15

BY MR. FUTERMAN:

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Q. Other than the Linda McNickle and the principal, did you discuss with anyone else Ben's -- how Ben was doing at Yorkdale?

25

A. No, only with and primarily I only phoned the principal once, and that was a fairly negative conversation. He seemed to have a difference of opinion from what I understood to be the opinion of Linda McNickle which was that he was -- deserved to have an opportunity

to move ahead. I thought of the example of Milt Ottey who had been in such a school, had transferred into the regular schools, had graduated from the regular schools and has now graduated from university. I was hoping that something similar would happen in the case of Ben or at least he would be directed to a school where he would obtain talents in a field of his interest, whether it be auto mechanics or anything else.

I did believe from 12 years experience that I have had and I have known him, that he was intelligent enough and he deserved the opportunity to advance himself. At that time I couldn't possibly have imagined that athletics would be a career. And obviously, I felt that he should be challenged sufficiently and have an opportunity to advance himself in some way other than through athletics.

Q. Mr. Francis, I think you said 12 years. At that time, you only knew him for four years; is that correct?

A. Yes, I am speaking retrospectively obviously now.

Q. Sure.

A. But at that time, I felt on the basis of my discussions with him, considerable hours that I spent with him everyday, his sense of humour and other

indications to me that in fact he was someone who could advance himself, who could have a career and the future. And I was hoping that there would be something available to him, other than simply going to -- four years going to a school and then leaving.

Q. Let's just talk about that for a moment. Was it because you felt that Ben was wasting his time in a school which was not teaching him a trade? Is that what you are suggesting to me, Mr. Francis, that Ben would have been better off going to a school where at least there was some specific trade being taught to him?

A. No, I didn't say that. I said you should either go to a school that -- where you are leading to further education, or you could go to a trade school. You could do either, but if you go to a school where it simply ends full stop, then what, you know.

Q. Are you saying --

A. I wanted him to be directed towards either a trade in the one direction or towards further education on the other, which would mean moving from that school at some point into the public education domain, at whatever level.

Q. Mr. Francis, are you saying that if Yorkdale didn't recognize those two potentials, that if they recognized those two potentials, they wouldn't have

acted upon it? Are you saying that Yorkdale, if they thought he could go to a school of higher learning, they wouldn't have recommended that?

5 A. I don't know what -- obviously the Ben that I knew, I felt was someone who deserved the opportunity to advance himself in either one of those two directions. And I believe Linda felt the same way. She felt that he was a very highly motivated, good man who should have the opportunity to get ahead in one direction
10 or the other.

 Q. Was Ben a good student; was he bright at school?

 A. Those are two questions.

 Q. Was he a good student?

15 A. No, he was not.

 THE COMMISSIONER: Your voice dropped, Mr. Futerman.

 MR. FUTERMAN: I am sorry, Mr. Commissioner.

20 BY MR. FUTERMAN:

 Q. Was he bright at school?

 A. You asked me two questions. Is he a good student or is he bright; they are not the same -- not necessarily the same answers.

25 Q. Well, you answer the first question.

A. As many in the room can attest.

Q. Was he a good student as far as you knew?

5 A. Well, I didn't know. I had two conflicting opinions, you know. Linda McNickle on the one hand who thought he had, you know, considerable abilities. The principle on the other hand, who did not.

Q. Did Linda McNickle say he was a good student?

10 A. No, she didn't. She said he was a fine young man who should move ahead, should find a means by which he could advance himself. And I thought of either direction --

15 Q. Isn't it true that Linda McNickle suggested to you that he was a poor student, and therefore, he should find another avenue for his future?

A. She never said that he wasn't someone who could move ahead. She felt that he should go to either a trade school or move into something else that would advance him. She was concerned that he would just
20 simply go to the track and run and that would be it.

Q. Linda McNickle was concerned that Ben was focussing on the track too much, and, therefore, he was not providing for a future after his track days were
25 over? Was that her concern?

A. She didn't expression it that way to me. She was concerned about Ben.

Q. I understand that and that will be -- that's abundantly clear to me and it will be to everyone else.

A. What she felt, you would have to ask her.

Q. But I am asking you your impression. You have given impressions before. Did you have an impression about what Linda McNickle was concerned about?

A. About Ben's future.

Q. Was she concerned about his future because after track and field, which he appeared to be focussing on, was over he would have nothing left. Was that her concern?

A. I would believe that she was very concerned about that, yes.

Q. Yes. And rightly so?

A. And was I.

Q. All right. And you felt that this school at Yorkdale was not giving that avenue, was not providing that avenue for Ben?

A. On the discussion I had with the principal, I didn't feel he was particularly concerned or interested. I felt that Linda was much more interested

than he was. And I was hoping that there would be an additional avenue for him available, but I am not in a position to know all of these options.

Q. Of course not.

5

A. Linda was looking into that as well.

Q. So, you feel that when Linda McNickle, if she testifies, gives her evidence she would be in a far better position to talk about Ben as a student and his capacity than you are; is that correct?

10

A. As a student, but not about his capacity.

Q. Ahh, well --

15

A. You have just said yourself that I had spent more time with him than any individual outside of his mother. And my belief is that he had the ability to move forward.

Q. Other than your own impression, are you saying to me, sir, that you are more qualified than the teaching staff at Yorkdale --

20

MR. McMURTRY: I mean now just where is this leading us, Mr. Commissioner?

THE COMMISSIONER: I don't know either.

THE WITNESS: You asked my opinion.

25

MR. McMURTRY: I mean the witness has been very full and free and frank with his opinion about Ben

Johnson's abilities, but to start to turn this Inquiry into a debate as to whether a teacher who spent a relatively little time compared with the time that Mr. Francis has spent with this -- with Ben Johnson, I think
5 is taking us far afield. And I don't know what sort of the smoke screen he is attempting to --

THE COMMISSIONER: I think --

MR. FUTERMAN: Mr. Commissioner, I resent the implication of the smoke screen --

10 THE COMMISSIONER: Mr. McMurtry, please now, I agree with you --

MR. FUTERMAN: -- I think it's quite evident where I am going with this.

THE COMMISSIONER: Let's be nice and calm
15 now. I realize that -- that you have a right to cross-examine and I give you full scope on it, but with great respect, Mr. Futerman to ask Mr. Francis whether he thinks he knows better than a teacher, some people think -- some parents think they do know more about the
20 qualifications and abilities of their children than the teachers do. Sometimes teachers think they know the most. This is his opinion.

MR. FUTERMAN: You know what troubles me, Mr. Commissioner, for six days we have listened to this
25 man give his opinion and in most cases unchallenged. Now,

I am challenging that opinion in an area I think is most important. And I don't think I should be restrained.

THE COMMISSIONER: Well, I am not restraining you, but I don't know how helpful it is for you to ask him. He said he thinks he is more qualified to assess Mr. Johnson's capacities than the teacher. If you want to debate that with him, go ahead.

THE WITNESS: Well, I didn't say that I felt I was more qualified. I simply said that in my experience, where, by admission, I spent more time with him than any one with the exception of his mother, it was my opinion that he had abilities to move forward. My experience with him and the experience of other athletes who can also be asked on this was that he was capable of moving on. And I cite the example of Milt Ottey who most successfully moved on.

BY MR. FUTERMAN:

Q. All right. We have heard that example. Did you ever see Ben's report cards?

A. No, I did not.

Q. Did you ever discuss any psychological testing at Yorkdale in respect to Ben?

A. No, I did not.

Q. Did you ever help him with his

homework?

A. No, I did not.

Q. Knowing that there seemed to be at least in the minds of some people, some concern about Ben as a student, and perhaps Ben in terms of his capacity, would you agree that it was most important that when you discussed the subject of steroids with him, that he truly and fully understood what it meant?

A. It was most important in my opinion on two fronts: in terms of his understanding for his well-being, and his understanding obviously in my own case.

I was fully in belief that he understood what he was doing, that he was capable of listening to the instructions, understanding the clearance times involved with drugs, understanding the rules involved with drugs, so that he could then be able to pass the tests, understand what he could take, when he could take it. He received the tablets, he was in charge of it himself. My well-being as well as his was at stake according to his understanding.

I believed enough in his understanding that I was prepared to give them to him and entrust in fact my career with him as well as himself.

And further, I believed that he understood

the instructions to go to his doctor.

And I might further point out that there were three athletes in question not one: Desai Williams, Tony Sharpe, and Ben Johnson. Any of whom could have gone to the top. There was no question of, well, this is the guy, you know, give it to him if he doesn't understand. If I had any questions about it, I wouldn't have given them to them.

Q. I understand that you were under the impression that Ben understood. I mean you made that abundantly clear. You had a fairly -- very positive feeling about Ben's capacity to understand, but is it also fair to say that not everyone shared that opinion, that some people were somewhat concerned about Ben's capacity to understand what you were talking about?

A. Could you rephrase that?

Q. Sure.

A. You are talking about at that time --

MR. McMURTRY: How would this witness --

MR. FUTERMAN: Mr. Commissioner --

MR. McMURTRY: How would this witness, Mr. Commissioner, how would this witness know --

THE COMMISSIONER: He is going to rephrase the question.

MR. McMURTRY: -- what unidentified people

would be concerned.

THE COMMISSIONER: Mr. McMurtry, he is going to rephrase the question. I think the witness didn't understand the question. I wasn't quite sure exactly what the question was. So, Mr. Futerman, can just rephrase the question.

MR. FUTERMAN: I will be happy to, Mr. Commissioner.

THE COMMISSIONER: I am not quite sure what the question was.

BY MR. FUTERMAN:

Q. It is obviously clear that you understood that Ben had capacity as far as you were concerned to understand when you were discussing steroids, but is it also clear to you now or at that time that there might have been other people, perhaps the principal at Yorkdale, who would not have shared your opinion about Ben's capacity to understand. Is that clear?

A. I had a conversation with Ben Johnson. Between the two of us --

Q. You are not answering the question. I am asking you do you believe that there were other people that might not have agreed with you in respect to Ben's capacity to understand --

THE COMMISSIONER: I understand --

MR. FUTERMAN: -- the subject of steroids.

THE COMMISSIONER: We have to know the conversation, Mr. Futerman.

5 THE WITNESS: The conversation was not with the principal of his high school or his teacher or anyone else. The conversation was between Ben Johnson and myself. And so to the best of my ability, I understood and I trusted that he understood the full scope of our
10 conversation, because after all, I was entrusting myself in his hands as well.

BY MR. FUTERMAN:

15 Q. You have made it clear you had every confidence that Ben understood. Were there other people that might not have agreed with you when it came to Ben's capacity to understand the subject of the steroids?

MR. McMURTRY: Again, how would he know that.

20 MR. FUTERMAN: Because he's spoken to the principal, he spoke to Linda McNickle --

THE COMMISSIONER: Not about the subject matter. I mean, I understand the thrust of your question, but there is no foundation for it yet. What
25 other people -- you would have to give somebody in the

room, seeing the conversation and then say, well, I am not sure somebody understood or not.

MR. FUTERMAN: Well --

THE COMMISSIONER: I understand what you
5 are saying that you are challenging Mr. Francis' assessment as to the -- as to the ability of Mr. Johnson to comprehend, that's what you are saying.

MR. FUTERMAN: This goes right to the root of one of the issues before us, Mr. Commissioner, and I --

10 THE COMMISSIONER: I know, but you have done that, Mr. Futerman --

MR. FUTERMAN: I am sorry?

THE COMMISSIONER: You are examining him that way, but to ask him whether somebody else would have
15 that opinion, I don't know how you could do that --

MR. FUTERMAN: He can answer that. He can simply say I don't know if someone else had any idea as to Ben's capacity, or he can say, yes, I know someone else didn't agree that Ben had capacity. Surely he can answer
20 that.

THE COMMISSIONER: I am trying to give you the fullest scope I can, but I don't understand the question, whether somebody else would agree. I don't understand how --it is a hypothetical question without
25 even a foundation for it.

MR. FUTERMAN: Well, the foundation --

THE COMMISSIONER: If there is somebody
else in a room that's there and listens to the
conversation, and knows the parties, then you could ask,
5 are you sure that person understood what was being said.

MR. FUTERMAN: I guess, Mr. Commissioner,
when he talked to the principal of Yorkdale, I had the
impression --

THE COMMISSIONER: The principal of
10 Yorkdale wasn't in on any of these conversations.

MR. FUTERMAN: I know.

THE COMMISSIONER: And, well, go ahead. I
don't want to in anyway limit your examination. Do you
want to put the question once more and we will get an
15 answer and then we will go on to the next question..

BY MR. FUTERMAN:

Q. Mr. Francis, did the principal at
Yorkdale give you some concern about Ben's capacity to
20 understand certain matters of any kind?

A. The principal at Yorkdale gave me
considerable concern as to whether or not he was
interested in Ben's well-being, because when I
telephoned --

25 Q. Did he give you --

MR. McMURTRY: Let him finish --

MR. FUTERMAN: If you could just answer the question. That is not an answer to the question --

THE COMMISSIONER: Mr. Futerman.

5 MR. FUTERMAN: Mr. Commissioner --

THE WITNESS: Yes, it has everything to do with the question.

MR. FUTERMAN: That is not the question I asked him, Mr. Commissioner. Surely my friend doesn't
10 have to interrupt. I want an answer to the question --

THE COMMISSIONER: Please, Mr. --

MR. FUTERMAN: -- I don't want him to answer a different question.

THE COMMISSIONER: But the difficulty is
15 that the questions are so hypothetical that -- that I am having difficulty, but I certainly don't want to interrupt your cross-examination. And just ask him once more whether the principal -- the principal expressed a different view as to the capacity of Mr. Johnson. Is that what you are
20 asking?

MR. FUTERMAN: I thought that's what I was going, Mr. Commissioner.

THE COMMISSIONER: Well, you did that earlier, I thought, but go back on it now.

25

BY MR. FUTERMAN:

Q. Now, in the context of the steroids,
perhaps we can deal with it again. Did the principal give
you some concern about Ben's capacity to understand as a
5 student or in any other area?

A. The principal gave me concern about
whether or not he was interested. I did not have the
opportunity --

Q. You are not answering my question.

10 A. -- to talk with him. He cut me off
within five minutes --

Q. Can you answer my question yes or no.

THE COMMISSIONER: I think he is answering
it. He is talking about a conversation he had with the
15 principal.

THE WITNESS: The conversation --

MR. FUTERMAN: But he is answering
something entirely different than the question I asked
him. He can say he didn't have such --

20 THE WITNESS: I can't render an opinion on
him because he didn't talk to me beyond five minutes. He
did not appear to be interested particularly in Ben's
well-being. And I was not happy with my conversation with
him. And I told Linda so.

25

BY MR. FUTERMAN:

Q. Did Linda agree with you?

A. Did she agree that the principal did not appear to be interested?

5

Q. Yes.

A. She didn't render an opinion, no, but she certainly was interested. And I had further discussions with her.

Q. All right.

10

A. From the beginning to the end, she was interested.

Q. Let's move into another area for a moment. At the time that you talked to Ben about steroids, at that time, Mr. Francis, you were a full time coach I guess employed by the Canadian Track and Field Association?

15

A. That's correct.

THE COMMISSIONER: Would you like to put a year on it so I can follow it.

20

MR. FUTERMAN: I am sorry, in 1981.

THE COMMISSIONER: I thought so, thank you.

THE WITNESS: Yes, that's correct.

BY MR. FUTERMAN:

25

Q. And the Canadian Track and Field

Association were a Canadian government body as far as you knew. Your salary was coming from the Canadian government in essence?

5 A. From the Ministry -- the Canadian Sports and Ontario, yes.

Q. Yes. So that at the time you spoke to Ben about steroids, you had been his friend and his advisor for the past four years, and you were also clothed with the respectability of a coach for the Canadian Track and Field Association; is that correct?

10

A. I believe so, yes.

MR. FUTERMAN: All right.

THE COMMISSIONER: Shall we take a short break.

15 MR. FUTERMAN: Mr. Commissioner, no, now we are going to deal with --

THE COMMISSIONER: It's 10 to 12, it is a bad light. Shall we take a short break now.

MR. FUTERMAN: No, we are fine.

20 THE COMMISSIONER: Okay.

THE WITNESS: Are we going to take a break?

THE COMMISSIONER Excuse me, perhaps we should take a short break. Would that interrupt your cross-examination, would you rather pursue it now?

25 MR. FUTERMAN: No, no, that's fine.

THE COMMISSIONER: All right, we will just
take a short break for about six, seven minutes.

--- Short Recess taken.

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--- Upon resuming.

THE COMMISSIONER: Commission resumes.

Please be seated. Mr. Futerman, before you get onto your next questions, I was having difficulty with the way the questions were framed earlier, perhaps it's my fault, so if you want to pursue on anything that I interrupted you on, you can do that. I was having trouble with the way it was framed.

MR. FUTERMAN: Well, thank you for those words, Mr. Commissioner, but perhaps we can come back to that if necessary at a later time.

THE COMMISSIONER: It was just the way it was framed, and perhaps it might have been my fault. I just couldn't grasp the questions. It seemed to be hypothetical without some basis to it, but you go back to it if you want at some other time.

MR. FUTERMAN: Thank you. That's very kind, Mr. Commissioner. I appreciate those words. I understand that I am now wired for sound, so I can move around a little bit.

THE COMMISSIONER: Like most lawyers, you feel much more comfortable when you are wandering around a bit.

MR. FUTERMAN: I have always been a man in

motion.

Q. I would like to change the subject matter, I am sure with everybody's consent, to another area dealing with your knowledge of steroids. We have
5 heard a great deal of evidence about your knowledge the last several days, and perhaps I can ask you what you know about how anabolic steroids work in the body. Can you help me as to what happens to a steroid when with it enters the body? Where does it go, do you know?

10 A. Are you now requesting that I take on the position as an endocrinologist?

THE COMMISSIONER: No, he is asking you what you know.

MR. FUTERMAN: I want to know what you
15 know.

THE COMMISSIONER: You're talking about anabolic steroids, not just a steroid.

A. I know how an anabolic steroid works in terms of performance. I know how an anabolic--

20 MR. FUTERMAN:

Q. Why can't you just answer the question. Say I don't know or I do know. You are answering another question. That's not the question I asked you, Mr.
25 Francis. Do you know where the anabolic steroids go when

they enter a body, yes or no?

A. I don't follow where you are leading to.

5 Q. I don't want to tell you where I'm going. I just want you to answer the question.

THE COMMISSIONER: Don't worry about that.

MR. FUTERMAN:

10 Q. You'll find out where I'm going when my next question comes, okay?

MR. McMURTRY: I'm not so sure that that's a very clear question.

MR. FUTERMAN: Well, can there be a time when Mr. McMurtry can let me finish my question?

15 THE COMMISSIONER: Do you want to follow it through the system?

MR. FUTERMAN: I want to know what this man's real knowledge is about anabolic steroids. I surely am entitled to do that. Someone's got to ask those
20 questions.

MR. McMURTRY: Ask an intelligent question then.

MR. FUTERMAN: Well, Mr. McMurtry, if you want to take my position, please do. I don't want my
25 friend telling me how to cross-examine this witness.

Surely that's not his function.

MR. McMURTRY: Just ask intelligent questions.

5 MR. FUTERMAN: Perhaps we should adjourn and have a little discussion about what my rights are in cross-examination.

THE COMMISSIONER: I'm here to decide that, Mr. Futerman.

10 MR. FUTERMAN: Well, I don't want him interrupting my cross-examination every five minutes when he thinks I'm asking a question that embarrasses his client.

15 THE COMMISSIONER: Well, you shouldn't make comments about that. Let's get on. Please, Mr. McMurty, please, now.

20 MR. McMURTRY: Well, he is making a rather serious allegation that, "I interrupt every time he thinks that I am embarrassing my client". If anybody's been embarrassed, anytime that you're embarrassing my client. I just reject that statement. I think it's a very unfair statement and it just happens to be quite inaccurate.

THE COMMISSIONER: I have your point. Please carry on and ask the questions, Mr. Futerman.

25 MR. FUTERMAN:

Q. Once again, Mr. Francis, do you know what happens to an anabolic steroid when it enters someone's body, yes or no? Don't be afraid to say you don't know. Sometimes these things happen.

5 A. Are you suggesting an injection or are you suggesting an oral tablet?

Q. I am talking about any kind of anabolic steroid, whether it's a pill, whether it's an injection or whether you rub it into the skin.

10 A. They are not the same.

Q. Well, tell me about the pills then.
Where does it go?

A. First of all, I am not putting myself forward as an expert. I probably could save you some time by suggesting to you that no, I am not an endocrinologist.

15 Q. I didn't ask you if you're an endocrinologist. We know you are not. You admitted that earlier. Do you know where it goes when it enters the body, yes or no?

20 A. Can I tell you in a medical sense, no, I cannot. That's why I asked a medical doctor for opinions on this, why I went to numerous doctors, why I asked a doctor when I obtained them myself, why I asked the questions of Dr. Clement and others, to get a medical
25 opinion.

Q. Did the doctors tell you where the anabolic steroid goes?

A. That wasn't my question. My question was clearly--that's like asking if when you turn the switch, the lights go off.

THE COMMISSIONER: Mr. Francis, we have to get on. The answer is, I gather, that Mr. Francis doesn't know from a physiological sense exactly how the pill or the injection is spread throughout the body, where it starts or where it ends.

MR. FUTERMAN:

Q. Do you adopt the answer of the Commissioner, Mr. Francis?

A. Yes, I do.

Q. Now, I understand that you indicated earlier in your testimony, in fact on many occasions, that as far as you were told, as far as you knew, there were no significant or substantial side effects? In fact, you use the word at times that the side effects were nill. Was that your evidence these last several days?

A. I said that in small doses of short duration, that the information given to me by doctors on occasions was such that I believed there were no side effects, and I was convinced enough of it that I took it

myself on occasions.

Q. Let me ask you specifically about certain pieces of information. You tell me whether you've heard of this, whether you agree with it or whether it comes as a surprise to you, all right? Are you aware that even in small dosages of anabolic steroids, regardless of how you bring it into the body, there may be adverse effects to the liver. Are you aware of that?

A. On the basis of the conversations I had with doctors about small doses, they did not agree with that.

Q. Have you ever heard of a liver condition called cholestatic jaundice?

A. Yes, I have.

Q. All right. Can you tell me what that is?

A. It's when the liver backs up because of stress placed on it, but I'm not aware of this in terms of anabolic steroids.

Q. Well, would it come as a surprise to you that one of the group of agents that may cause this condition is Dianabol or stanozolol? Would that come as a surprise to you?

A. If it was in a high enough dose, yes it could happen.

Q. And what if I told you that it may even come when the doses are very small? Would that come as a surprise to you?

A. Yes, it would.

5 Q. And just to carry it further, when the backup occurs, this sometimes can lead to inflammation and death of the liver cells. Does that come as any surprise to you?

10 A. Yes, it does. Can you tell me where you're getting this information from?

Q. He'll be perhaps testifying later so you will hear this firsthand, Mr. Francis. Let me just ask you the questions first. I understand that there are other conditions that may occur in the liver, and one is called peliosis hepatitis. Have you ever heard of that condition?

15

A. Yes, I have heard of these terms.

Q. And what does that condition mean?

A. I am not certain.

20 Q. Well, how did you hear about this condition?

A. I have heard these terms bandied around.

25 Q. Well, when did you first hear about this particular condition bandied around?

A. First of all, I've heard of many different diseases because I used to work as an underwriter in insurance. Unfortunately, I've been out of the career for a number of years now, but my association with those conditions was not related to anabolic steroids. I'm sorry, my memory doesn't go back to 1978 when I used to read about these things.

Q. Well, would it surprise you to find out that this condition, once again, may be caused by the use of anabolic steroids, and even in small dosages?

A. If it was in small doses, it would surprise me, yes.

Q. And do you know what this, I think you said you don't know what the condition is. You know it's a liver condition of some kind, and that this is really little blood lakes or cysts that form in the liver, and this may sometimes lead to a rupture of the liver with very serious consequences. Does that surprise you?

A. If this would occur from small doses of anabolic steroids, yes, it would.

Q. I said it could. Would that surprise you?

A. Yes, it would, if it could.

Q. And would it surprise you also, Mr. Francis, if you learned that even in small dosages of

anabolic steroids, one may develop tumors, and it's possible that some of these tumors might be malignant. Would that surprise you?

5 A. If it was occurring in small doses, yes it would.

 Q. Well, are you aware that it might occur when the dosages are large? Were you aware of that?

 A. There are reports that if large doses, mega doses of steroids are used, that medical
10 complications could occur. But as I have said from the beginning, the information I had from Dr. Clement and other doctors who I have discussed the matter with, in small doses, I had to believe what the doctors were telling me.

15 Q. Did you specifically talk to Dr. Clement about malignant tumors developing in the liver?

 A. Sir, I talked to Dr. Clement when he was requested in a national meeting of coaches to discuss whether or not anabolic steroids, whether a statement
20 should be put out by the medical director advising of the adverse effects. He said no--

 Q. Can you answer my question, Mr. Francis?

 A. He said no,-- Sir, I am telling you
25 where my information comes from.

THE COMMISSIONER: He has answered the question, Mr. Futerman.

MR. FUTERMAN: With respect, all I asked him was did Dr. Clement ask him to tell him that malignant tumors might occur as a result of the use of anabolic steroids?

THE COMMISSIONER: He has answered the question of what Dr. Clement said.

A. I am answering that Dr. Clement told me that in small doses of short duration, there had been no history of notable side effects. There was no history on record. I was told this in 1979. This was reiterated in 1987 at a sports sciences meeting where he made the same statement, and unfortunately, I didn't catalogue the entire body and go through every organ from toenail to head to ask if it would all apply. He discussed the entire body and said that he did not believe that side effects would occur in small doses, in short cycles in the administration of anabolic steroids.

THE COMMISSIONER: Did he discuss with you what a short duration was?

THE WITNESS: Yes, interrupted cycles where they weren't continuing to take anabolic steroids throughout the year.

MR. FUTERMAN:

Q. Did you ask him what would happen to an athlete that took steroids for seven years or ten years?

5 A. He said that the administration of anabolic steroids, and we are now talking about athletes over long periods of careers, the use of these substances dated back to 1955, and many of these athletes had careers spanning 10 or 15 years, and these side effects had not been reported.

10 Q. You are making these statements as if you had a very long conversation with Dr. Clement. Are you saying to us, just so we'll understand, I will understand, that Dr. Clement made this very clear to you at that time that even athletes who use steroids for a
15 long period of time don't have to worry about side effects as long as they were taking small dosages? Is that the evidence?

20 A. I said that I talked to him in 1979, I talked to him in 1987. He reiterated his statements. He was afraid that misinformation being sent out to the athletes would make it less likely that they could argue on an ethical plain. He felt that it was very important that an honest assessment be given out to people and that the biggest mistake that had been made in the case of
25 anabolic steroids was the statement that, in fact, they

did not work.

Q. Mr. Commissioner, I guess this must be only me, but I have the impression, Mr. Francis, that you haven't exactly answered my question. My question was did
5 Dr. Clement indicate at that meeting to you that regardless of how long an athlete uses steroids, as long as it's in small dosages, there are no side effects. Did he say that?

A. He put no time limit on it, and he
10 added no provisos.

Q. Did you ask him about any provisos?

A. No, I did not.

Q. Didn't it seem sensible to do so since you were intending to embark on long-term use?

A. I had further conversations throughout
15 the period of time that I was involved with anabolic steroids with Dr. Astaphan who felt the same way.

Q. Just a moment. Let's get back to Dr. Clement. Did you ask him those questions, before we get
20 to Dr. Astaphan on what you told him and what he told you?

A. No, I did not.

Q. All right, thank you. Is it fair to say then, first of all, that under any circumstance, a lay person should not be administering anabolic steroids to
25 another person? Is that a fair statement to make?

A. A fair statement would be to say that it shouldn't be done without the advice or the information of a doctor, yes.

5 Q. Is it fair to say that a lay person should never give anabolic steroids to anybody without having proper liver tests done?

A. I would say so, yes.

Q. Did you know that back then or is that something you just learned now?

10 A. Well, I requested the athletes to go to their personal physician.

Q. Well, do you know whether those physicians did liver tests before they allowed you to embark on a steroid program? Did you check that? Did you ask them that?

A. No, I did not.

Q. Don't you think you should have?

A. I think that's why in the end when I decided I wanted to find a doctor who could look after the athletes in total, that's one of the reasons I wanted them all to go to the same doctor to make sure that they would be monitored as I obtained more information. I wanted to do the best I could.

20 Q. That was five years after you embarked on this steroid program. Weren't you concerned the first

25

five years--

A. Three years.

Q. Well, I don't think Dr. Astaphan got involved until sometime in 1984, although I think you
5 indicated you saw him in late '83. You really didn't get involved with your athletes until sometime in '84.

A. He was monitoring them though. He was taking their blood tests.

Q. Well, all right, let's take four years
10 then. We won't argue about one year.

A. Let's take three.

Q. Let's take three, let's take two. It doesn't matter. The point is that you embarked on a
program of steroids before determining if liver tests had
15 been done to any of your athletes. Is that fair?

A. I believe that's fair.

Q. And that wasn't wise, was it?

A. No, I would say in retrospect, it was not.

Q. All right, thank you. I guess the
20 lesson to be learned, Mr. Francis, if you want to practice medicine, you better do it right. Is that a fair statement?

A. That's the question?

Q. Well, it's a statement. I want you to
25

agree or disagree with it.

A. Yes, I believe that that's correct.

However, I might point out that when I initially obtained a prescription for anabolic steroids, no liver profile was
5 done on me, so I wasn't as clear on that at the time. It wasn't until Dr. Astaphan became involved that I had a liver profile done.

Q. It's fair to say that when you started with these young people, there was a lot that you didn't
10 know about steroids?

A. I would say that's a fair statement.

Q. And in retrospect, perhaps if you knew then what you know now, you never would have advised these young people to take steroids. Is that a fair statement
15 to make?

A. I don't know if that's a fair statement to make, but I certainly would have attempted to make an arrangement with a doctor to see everyone and have more control of the situation, if I were to pursue the same
20 course of action.

Q. Okay. This is not intended in any way to suggest to this inquiry that Dr. Clement is not a first-class doctor, because I think all I've heard about him indicates that he is, and a first-class gentleman, but
25 he is not an endocrinologist, he is an orthopedic surgeon;

is that correct?

A. Yes.

Q. As far as you know, liver problems are not his specialty. Is that a fair statement to make?

5

A. That's a fair statement.

Q. And then when you go to a G.P., or a general practitioner, and I am not in any way suggesting that these people don't serve a very useful purpose, because we all know they do, but they are not specialists; is that correct?

10

A. Well, would it be fair to say that--

Q. Just answer my question.

A. Sir, you do not go to a specialist-- sir, no one in the Canadian--

15

Q. Mr. Francis, if you want to change seats with me, we'll do that.

THE COMMISSIONER: Please, Mr. Francis, listen to the question and please answer it. The G.P. is not a specialist.

20

MR. FUTERMAN:

Q. A general practitioner is not a specialist, let's say specifically in dealing with anabolic steroids.

A. Yes, my point was though that you must be referred by a G.P. on the basis of examination or blood

25

test or so forth to the specialist who would then be an endocrinologist or whatever else. You cannot simply have a patient who indeed is the patient of the specialist.

5

Q. That probably makes sense, but I guess when you went to these family doctors then, you suggested perhaps they should refer them to a specialist. Did you do that?

10

A. Well, first of all, you wouldn't refer them to a specialist unless you were suspicious that there might be a problem, which would show up in a blood test or whatever form of examination that might ensue.

15

Q. Didn't it make sense, Mr. Francis, that when you have indicated to us, as you have on many occasions, and I believe sincerely so, that you have the best interests of your athletes at heart, that at the very least, when you are embarking on a program which in terms of these boys was new and different and perhaps unknown, that you would make sure that they would get the very best medical treatment available. Does that make sense?

20

A. Yes, I believe so.

Q. And I suggest to you, sir, that going to a family doctor, no matter how good he may be, he is not the best medical care available. Is that true?

25

A. No, I disagree.

Q. You disagree?

A. You must go to your family doctor first before you can be referred on to any specialist.

Q. Well, you went with your athletes to these family doctors from time to time?

5

A. Yes.

Q. Did you at any time suggest or recommend that they should send these athletes to a specialist, someone that has a specialty in dealing with steroids, and there are a number that do. Did you do that?

10

A. No, that would be up to the doctor to decide what course of action to take.

Q. But isn't it fair to say that when you saw these doctors from time to time, that most of them indicated to you that initially any way, they knew very little about steroids, and they would have to do further research and further looking into the matter. Is that true and is that fair?

15

A. In terms of the administration of anabolic steroids, yes, but in terms of liver function and other studies, no. They have the ability to interpret studies and then determine whether or not, you know, to refer a patient onto a specialist. I might also point out that it was my understanding and belief at that time, and it remains so, that in small doses, that steroids do not

20
25

have significant side effects and so I was less concerned, and perhaps the information you are bringing forward would indicate.

5 Q. All right. But now that you have heard some of this information, you were more concerned, if it's accurate?

A. If it were accurate, yes.

10 Q. If it was accurate, and I realize that I'm asking questions. I am not a doctor and I can't say to you that this is accurate until you hear it by a doctor. I think Dr. Pipe earlier has alluded to it. Did you hear his testimony?

A. Yes, I did.

15 Q. He seemed to suggest there were some problems, side effects. Did you agree with him? Did you agree with Dr. Pipe?

A. Well, I don't know his qualifications on the subject. I don't know.

20 Q. Well you heard his qualifications. He is extremely well qualified.

A. I don't know.

Q. You don't know that.

A. I don't know his level of experience in that field. I am not aware.

25 Q. Okay.

A. I have to deal with those people who, in fact, I have actually had contact with and know personally.

5

Q. Is it fair to say that you are prepared to accept the opinions of doctors whose opinions seem to be similar to yours?

A. No, that's not fair to say.

10

Q. Let's talk about other side effects of anabolic steroids that you can comment on, if you can. I think we talked about acne the other day, and you indicated with some black athletes that's difficult to determine because of the problems they have with their hair follicles; is that correct?

A. Yes, ingrown hairs.

15

Q. I understood the point you were making. Have you heard of a condition called gynecomastia? I am probably mispronouncing it so please correct me.

THE COMMISSIONER: How do you spell it?
Mr. Francis knows the term.

20

THE WITNESS: I know the term.

THE COMMISSIONER: Do you want to spell it for the record?

MR. FUTERMAN: G-Y-N-E-C-O-M-A-S-T-I-A.

25

Q. And I understand this is a-- perhaps I should ask you, what is this condition?

A. Well, it's a condition where there has been a conversion of certain anabolic steroids into estrogens which could have some enlargement of breast tissue in males.

5 Q. Is this a side effect, a possible side effect of steroids, anabolic steroids?

A. To my understanding, yes.

Q. When did you find that out?

A. Recently. In the last two or three
10 years I have heard of it.

Q. You told your athletes about that?

A. Well, by then they were going to a doctor, and of course the doctor would be aware of that.

Q. Well, did you ask the doctor if he was
15 aware of it?

A. No, I did not. I assumed he was.

Q. But the point is, the doctor
apparently, based on your evidence, was giving them
anabolic steroids, notwithstanding this possible
20 condition. Didn't that concern you?

A. Well, assumably the doctor is looking after their wellbeing if he is in charge of the-- if he is concerned about it, then he must make the decision and withdraw them from the treatment.

Q. But you also indicated from time to
25

time, one of your first priorities was the welfare of your young people; is that not correct?

A. Yes, that's correct.

5 Q. Well, since this was a potential danger and since these kids were still taking anabolic steroids from the doctor, obviously the doctor, I suppose, either didn't know about this potential condition or wasn't as concerned as you were about their welfare so why didn't you speak to them about that?

10 A. Perhaps the doctor is observing those conditions as he is monitoring all health, and he is in the position to make a decision on the administration or the stopping of treatment.

15 Q. So it was no longer your problem, it was his?

A. No, I am not saying that. I'm saying that that's the whole point of having a doctor involved in the first place, to try and monitor their health.

20 Q. All right, let's go to 1986 when the good doctor went back to St. Kitts. At that stage you started giving him anabolic steroids again.

A. That's correct.

Q. You weren't the doctor.

A. That's correct.

25 Q. Did you talk to him about this possible

side effect?

A. No, I did not.

Q. Was what was your excuse this time?

A. Well, I hadn't heard of it initially.

5 I've only heard of it recently.

Q. You said two or three years ago. Tell me when that takes us back to?

A. '87 maybe I heard of the condition.

10 Q. That's not two or three years ago, it may be a year and a half or two years, but you still gave him steroids after '87.

A. Well, I was assured that they were going to their own physicians. My understanding on Ben is he maintained a contact with his own doctor from the beginning to the end. I assumed that he was aware of what was going on.

15 Q. You assumed, you assumed, you assumed but you didn't ask them?

A. No, I did not.

20 Q. You didn't speak to any of these doctors?

A. No, I did not.

25 Q. Alright. Let's talk about some other side effects. Have you heard that under some circumstances, there may be a suppression of the

reproductive system, and that is decreasing the sizes of the testes and reducing the sperm production. Have you heard of that possible side effect?

5 A. I have heard of that related to continuous use of anabolic steroids.

Q. When did you first hear of that?

10 A. That was always considered one of the drawbacks of it going back many years. This was the reason that it was suggested that steroids be cycled with interruptions in administration so that the natural body function might be suppressed for a period of time.

Q. Did you also hear that by suppressing the sperm count even for short periods of time, they may never return to normal again?

15 A. No, I did not.

Q. You did not hear that. Would that surprise you?

A. Yes, it would.

20 Q. And if you had known that then, would you have been as anxious to have your kids take anabolic steroids?

A. Well, if that indeed is a fact, that would be a consideration.

Q. Did you ever ask anybody about it?

25 A. No, I did not. It was always my

understanding that upon cessation of the administration of anabolic steroids, that sperm counts and other functions returned to normal.

Q. Who told you that?

5 A. Dr. Astaphan, other athletes who had been concerned, particularly throwing event type athletes who used large amounts--

Q. I can't hear you. Your voice is dropping.

10 A. Throwing athletes and others who, in fact, might ingest larger amounts of anabolics would have a test done to indicate that their levels were normal.

Q. Are you telling me that these athletes told you, other athletes were telling you that their sperm
15 counts had returned to normal?

20

25

A. Yes.

Q. Did it surprise you that they would know that?

A. No.

5 Q. Does that suggest to you that they went for some tests to make that determination?

A. Some of them did, yes.

Q. Well, did it make sense that maybe your athletes should go for the same tests?

10 A. Again, that was to be up to their personal doctor.

Q. But you've told us many times ---

A. If, in fact, the blood test they would find an abnormality in one of their profiles they could investigate further.

15 Q. You told me many times that you were personally concerned about their long-term and short-term welfare. Did you check with the doctors, did you check with the athletes whether these tests were being done?

20 A. Perhaps I made too much of an assumption to assume that the doctor was doing that. But my understanding, certainly Dr. Astaphan was following up the athletes closely and hopefully their only personal physicians were doing so also.

25 Q. Hopefully. Did you ask anybody to see

that they was doing it?

A. No, I didn't.

Q. Should you have done that, in retrospect?

5

A. In retrospect, I should have found -- probably the ultimate idea would have to find another doctor who be willing to take on the responsibilities that Dr. Astaphan did. However, I might point out to you, it's not that easy to get a doctor who is prepared to put his neck out on the line.

10

Q. I can well understand that, and thank goodness. Let me go a little further on that. Knowing that it's so difficult to find a doctor who's prepared to put his neck out, as you've described, isn't it that much more important that you determine that the appropriate tests are being done for your athletes, by these doctors, whoever they may be? Were you more concerned about detection or were you more concerned about the welfare of these young people?

15

A. I was concerned about the welfare of my athletes.

20

Q. Was that first or the defection first?

A. That was primary.

Q. Which was primary?

A. The welfare of the athletes.

25

Q. Of course. Under those circumstances,
should you not have had them tested by ---

A. Sir, I go back and I ---

Q. Can I finish my question?

5

A. Okay.

Q. Please?

A. I thought you wanted me to answer the
last one.

10

Q. Well, if you hadn't finished the
answer, please carry on? I thought you had.

15

A. No. I just was -- the point I was
trying to make was that my best belief was and remains
that, in fact, the side effects of short duration periods
during a year, the small doses of anabolic steroids would
not yield the types of side effects to which you refer.
That was my understanding and belief.

20

So, perhaps I was not as concerned as
perhaps -- there will be additional evidence that will
come out that I was not aware of that will suggest that,
in retrospect, I should have had a different pattern but,
in fact, I believed that the welfare of my athletes was
being addressed.

Q. You believed but you didn't know, is
that fair to say?

25

A. Well, I believed it but ---

Q. Just answer the question. You believed but you didn't know if your athletes' welfare in terms of tests were being looked after?

A. I believed that they were.

5

Q. But you didn't know?

A. I couldn't know.

Q. Of course not. That wasn't so hard.

Did you also know or had you ever been told that the size of the testis would be decreased potentially by the use of steroids?

10

A. No, I hadn't been told that.

Q. You hadn't, all right. From the time that you first start involving your athletes in the steroid program up to Seoul in 1988, are you aware of one single liver test that was done to any of your athletes?

15

A. Yes, on numerous occasions MSA-12's were taken by Dr. Astaphan.

Q. I'm sorry?

A. Yes, SMA-12's which are lab tests that include STOT, SUPT, GTPT and other liver function studies were taken routine by Dr. Astaphan.

20

Q. Dr. Astaphan?

A. That's my belief.

Q. That's your belief. Did Dr. Astaphan ever give you the results?

25

A. He told me -- the only conversation I had with him, obviously, that the results were normal but as you can understand he couldn't discuss individual cases with me because that would have to be discussed directly with the --

Q. Well, that kind of surprises me, Mr. Francis, for someone who is so knowledgeable as you. You said earlier to my friend that you couldn't talk to these doctors about these individual cases and you're quite correct. The doctor has a confidentiality with his patient and can't release any medical information without a proper authorization or direction from his patient.

Are you suggesting to me, sir, that you couldn't have gotten that direction or authorization from your athletes to speak to the doctors directly?

A. Well, I believe I could have but I didn't believe it was necessary because I felt that their health was being monitored by a doctor who was reading the studies and was finding the values normal.

Q. But what I find surprising in that evidence, Mr. Francis, is earlier you had stated and, in fact, on many occasions and we'll come back to that later on our cross-examination, that the training and the steroid cycle go hand-in-hand. Is that correct?

A. I'm sorry. Could you reask ---

5 Q. The training of the athlete and the steroid cycle must go hand-in-hand. In other words, you must know what steroids the athlete is taking in order to properly set up his training schedule. I believe you made that statement on many occasion?

A. That steroids were being administered. It certainly would be helpful to know. I can't say that in all the cases I knew but certainly that my desire to know.

10 Q. That isn't the evidence I thought I heard and perhaps I misunderstood you once again.

I got the impression it was extremely important, in order to properly set up a training schedule for your athletes, that you knew what kind of steroid cycle they were on and what steroids they were taking?

15

A. Yes. I believe ---

Q. You gave many examples of that.

A. Yes, I believe so. All I'm saying is that doesn't guarantee, indeed, that I will certainly know.

20

Q. This seems to be a waterdowned version of your evidence I heard the other day.

A. No, I believe it is very important to know and if you have the communications and the information is available to you, you can do a much better

25

job of helping the athlete achieve his performance potential.

Q. A much better job. I thought the other day was far more extreme than that. It was almost
5 essential that you knew your steroid cycle?

A. If he wished to do the best job with the athlete, yes, it is.

Q. Didn't you want to do the best job for the athlete?

10 A. There wasn't the question. There are times when indeed athletes may do things that you're not completely aware of.

Q. I didn't ask you that. Did you want to do the very best job that you could for your athletes?

15 A. Yes. I'm sorry if I misunderstood your question.

Q. All right. That's possible. I've misunderstood you and you've misunderstand me a couple of times. I'm sure it be wouldn't be the end of that.

20 More importantly, let's get back to the issue of whether or not the cycles of steroids and the training schedules were very important?

A. Yes, they were.

Q. They have very important. So that if
25 that is the case, did it not make sense to you that you

should inquire from the doctors, I guess Dr. Astaphan and whatever other doctors your athletes were seeing from time-to-time, what steroids they were being given, whether or not the athletes were showing up on time for their
5 steroids, and just to be sure that you exactly knew what every athlete under your command was taking so that you could set up their training schedule accordingly?

A. Well, I thought that was being done, in fact, because when Dr. Astaphan was there he was setting
10 up the protocol. Certainly he was carrying out that protocol with the athletes in question and further, when he left, I carried out the same protocol so, indeed, in general that's what took place.

Q. But you personally did not speak to the
15 doctor?

A. I didn't get into specifics with the doctor. Certainly I spoke to the doctor.

Q. You didn't know what if each had ---

A. If there were any problems.

Q. You didn't know whether any of your
20 athletes were showing up for their so-called injections on time, whether they were regular, whether some missed three or four weeks. Were you aware of all that?

A. Yes.

Q. Dr. Astaphan would tell you that?
25

A. I think he would have made it clear if somebody was not following protocol.

Q. I thought Dr. Astaphan couldn't talk to you about the medical treatment of these people?

5 A. Well, you're talking now about something more specific. I don't ---

Q. Did we misunderstand each other again?

A. My understanding was that the protocol was established and that it was followed.

10 Q. Did you speak to Dr. Astaphan about the protocol that was followed; yes or no?

A. He established it and he told me about it.

15 Q. Did you speak -- he did tell you about it?

A. He told me what the protocol suggestion was.

Q. Did he tell you whether the athletes were following that protocol?

20 A. Not directly, no.

Q. No, of course not. He didn't have an authorization to do so?

A. No, it was my understanding that that was what was being done and the information ---

25 Q. It was your understanding?

A. Yes.

Q. All right. But you didn't know?

A. No.

Q. Okay?

5 A. No, not sure.

Q. Of course not. You didn't know -- no harm in saying that. Have you ever heard the suggestion by any doctor or anyone else that anabolic steroids may cause an increase in the bad cholesterol level and therefore increase the incident of hardening of the arteries and, therefore, possibly increase the incidence of heart attacks?

10

A. In small doses, I had not heard that suggestion, no.

15 Q. You had not? Did you hear that suggestion in any doses?

A. No.

Q. So if that was true, that would be a complete surprise to you?

20 A. If it was true, yes.

Q. Would that concern you?

A. I believe it would concern me, yes.

Q. If you had known that ten years ago, I suppose you wouldn't have been as anxious to have your young people embark on a steroid program? Is that true?

25

A. If that is the case, it certainly would have been brought to bear and on my own use.

Q. I'm sure it would have been. Let's talk about potential side effects for females.

5 Have you heard that -- I think you've indicated this earlier but forgive me if I'm wrong -- that one of the females side effects is deepening of the voice. I think you've said that earlier and forgive me if you did. Is that correct?

10 A. Yes, that could be aside effect with a large amount of steroid.

Q. And another possible side effect is facial hair. I think we've talked about that?

15 A. That could be a side effect with large amounts.

Q. And also body hair, is that a possible side effect, for women?

A. I suppose. I've heard of, you know, the possibility of different ---

20 Q. Have you heard about the possibility of the enlargement of the clitoris?

A. I've heard of that as a possibility in large doses.

25 Q. Yes. And have you heard about the possibility of the disturbance of menstruation periods?

A. In large doses, yes.

Q. And difficulties with bleeding in respect with the menstrual cycle?

A. In and of itself, no, not specifically.

5

Q. Or the cessation of fertility?

A. No, I haven't, not under controlled doses.

Q. That some of these may be long last lasting?

10

A. I had not heard that referred to in terms of small doses, no.

Q. And if you found out that that was the case, that would be disturbing to you?

A. If it were the case, yes.

15

Q. All right. You keep saying small doses?

A. I think that's very pertinent.

Q. Pardon me?

A. I think it's pertinent.

20

Q. I know that. I know you think it's pertinent and I'm not saying it's wrong. Let's just examine that. The small doses you talk about, have you ever talked to a doctor about regardless of whether they're giving -- whether a doctor is giving small doses, if you give an athlete these doses over a period of many,

25

many years, that there could be some cumulative effect of these doses?

A. I have never heard that suggested in cases where cycling was used.

5 Q. Did you ever ask that?

A. No, I didn't know that.

Q. Okay. Would it surprise you if I suggest to you that there could be no reason to use anabolic steroids in the treatment of injuries?

10 A. That would surprise me, yes.

THE COMMISSIONER: You're talking about sports injuries?

MR. FUTERMAN: Sport injuries. Sport injuries, thank you, Mr. Commission.

15 THE COMMISSIONER: I think you were talking about sport injuries.

MR. FUTERMAN: That is very pertinent, obviously. There is some use for steroids but we're talking in the context of this Inquiry.

20 THE COMMISSIONER: All Right.

MR. FUTERMAN:

Q. Mr. Francis, if you had known about all or any of these potential side effects, if they are true, would you have given your young people steroids that they

25

received these ten past years?

A. If I believed that these problems could occur, then, yes, I would have grave concern and would not nor would I take them myself.

5 Q. All right. At the present time, do you still have these steroids at home?

A. No, I do not.

Q. You've gotten rid of them?

A. No.

10 Q. Never had them?

A. No, they were given to the Inquiry.

Q. But up until the Inquiry started, you had the steroids still at home?

A. Well, at Angella Issajenko's house.

15 MR. FUTERMAN: Mr. Commissioner, with your permission, may I ask that we adjourn at this time, perhaps come back earlier?

THE COMMISSIONER: All right. You know my problem this afternoon?

20 MR. FUTERMAN: I do. That's why I'm suggesting maybe we can start earlier.

THE COMMISSIONER: Until two o'clock then? I don't want to forget that we'll have to be through at about quarter to four this afternoon.

25 MR. FUTERMAN: I'm in your hands, sir.

THE COMMISSIONER: All right, thank you. At two o'clock? Thank you.

---Luncheon adjournment

5

THE COMMISSIONER: We're early. Mr. Futerman?

MR. FUTERMAN: Afternoon, Mr. Commissioner, Mr. Francis.

10

MR. FUTERMAN:

Q. Mr. Francis, it is my intention now to examine some of the evidence that we've heard last week and, specifically, I'm going to take you back to last Wednesday and I realize that one day leads into another but I'm going to be focusing on some of the evidence that you gave us last Wednesday which dealt really specifically that why you decided that the only way to achieve high level performance in track and field was to go through a steroid program of some kind.

20

So, let's just deal with the reasoning that led up that decision. I think you said that you became quite depressed when you became aware of the extensive use of anabolic steroids in Munich in 1972. Is that correct?

25

A. That's correct.

Q. Why was that? It wasn't banned until 1975?

5 A. Well, I felt obviously that I had not been privy to information and that this goes beyond, of course, whether or not it's banned, but I had not been privy to the information and the training and the general preparation that my competitors had had. So, it went not only to steroids but beyond them to all facets.

10 Q. Did you feel that the Canadian officials had let you down by not telling you the facts of life back in 1972?

A. No, I didn't believe that they were aware of the facts.

15 Q. I see. All right. You also said that the rumor in 1972 was that 80 per cent of the top level athletes were using it. Whether this is true or not, we don't know. But, once again, what's most important is that at that time, anabolic steroids was not banned, is that correct?

20 A. That's correct, yes.

Q. So whatever percentages you talk about in 1972 really has no application in 1979 or 1981 or any of the years thereafter? Is that correct?

A. I don't follow you. I'm sorry.

25 Q. Yes. What applied in 1972, with 80 per

cent of the top level athletes were using steroids back in 1972, it was legal then?

A. Yes, that's correct.

5 Q. So that because 80 per cent used it in 1972, that doesn't mean that 80 per cent were using it after 1975 when it became banned. Is that a fair statement?

10 A. I believe so with the proviso that, of course, if you are prepared to recognize, as I believe most experts will today, that anabolic steroids do assist performance and if, indeed, you recognize that performances did not drop at 1975 but indeed improved and went beyond anything that had ever been seen by anything before, by a substantial margin, one would not be led to the conclusion that the use of anabolic steroids was
15 reduced.

Q. All right. In 1972, you ran the 100 yard -- 100 metre -- or was it 100 yards back then, I've forgotten.

20 A. 100 metres.

Q. 100 metres. And you were a semi-finalist?

A. No, quarter-final.

Q. And did you run in the semi-finals?

25 A. No, I was injured in the

quadricepts muscle.

Q. Were you injured during the quarter-finals?

5 A. I had been injured earlier in the year and I reinjured it during the quarter-finals, yes.

Q. And what happened? Did you run the quarter-finals?

A. It was during the race.

10 Q. And you came last, I understand, in that race?

A. That's correct.

Q. You dropped out of the 200 metre race that you were also eligible to run?

A. Yes, as I was injured, that's correct.

15 Q. Did what did you do, did you go home then?

A. No, I waited until the end of the games and I went home.

20 Q. And when you got home, did you get a bad reception from the media?

A. No, I got a bad reception while I was in Munich.

Q. From whom?

A. From the media.

25 Q. Is what were you they calling you? Is

that when they were calling you a choke?

A. No, I would say they called me a choke. There was a discussion that I should have run the 200 metres, but in fact I was injured.

5 The one individual who indeed administered treatment to me, Mr. Heinz Piatrowski, had been a team physiotherapist but at that time was working for the Adidas company. I went to him for treatment and he can verify my condition.

10 Q. Is it fair to say that the Canadian Olympic Association didn't accept that you were injured at that time?

A. I don't know what their position was. The Canadian Track and Field Association -- well, I guess
15 they would have been the AAU or something, that was before the new organization, felt I should have run.

Q. I guess what troubles me, you were
accused of being a choke in international competitions. Now, this is the major international competititon back in
20 1972?

A. Mm'hmm.

Q. Who accused you of being a choke?

A. What I'm suggesting is that it was
suggested by various people that indeed I wasn't coming
25 through in competitions where there were multiple rounds;

meanings heats, quarters, semis and finals. I couldn't repeat the performances all the way through.

Q. How many international competitions were there at that time?

5 A. Not very many.

Q. No. And you were accused of being a choke in international competitions. You knew that the truth of the matter was that you had hurt, or pulled a hamstring, and therefore you couldn't run?

10 A. Quadriceps muscles.

Q. Yes, quadriceps muscles. So, that when you suggest, as I think you had, that this was one of the reasons you felt that had you used anabolic steroids, this might have helped you. Is that the impression you're trying to create?

15

A. Well, certainly if I had used anabolic steroids in my preparation, in conjunction with a proper training program, yes, I would have been less likely to be injured.

20 Q. Is that the reason you said that one of the reasons you justified the use of anabolic steroids, you remembered your own experience in 1972 when you injured your hamstring and you were called a choke and you felt had you used steroids that injury may not have occurred, with proper training?

25

A. Well, I wouldn't say it's as simple as that. The fact is, I was interested in performing at a higher level, at the level -- on a level playing field with the top athletes at the time. It became clear to me in discussions which were quite open in those days, that, in fact, the top athletes were using anabolic steroids. I wanted to participate on the same basis.

Q. When you decided to go to a physician -- I think that was in 1973?

A. That's right.

Q. Correct me if the date is wrong; at that time, was it -- first of all, was it a general practitioner again, a family doctor or a specialist?

A. A general practitioner.

Q. All right. Do you remember the conversation you had with him about anabolic steroids?

A. Yes, I told him that I heard that they would be helpful for a competition and I would like to try them.

Q. And what did he say to you?

A. He said he saw no reason why not in controlled dosages and he gave me a prescription.

Q. And did he give you a prescription for what kind of dosages you should take?

A. Yes, he told me to take 5 or 10

milligrams a day for three weeks for an initial trial.

Q. Did he tell you -- did he tell you how long you could take the anabolic steroids?

5 A. No, he just wanted me to try them and see how it was and then report back.

Q. You trusted this doctor?

A. I am sure.

Q. And after three weeks you stated you didn't notice any adverse side effects, is that right?

10 A. Yes, that's correct.

Q. Is that how long you used it for, at that time?

A. At that time I only used it three weeks. That was through until the end of that season. I
15 had considered using them again in the subsequent season. However, to diverge for a minute, they had the old track, we called the pig palace, which we used to affectionately used to train on, which had strips of mondo surface that would be laid down directly on cement. The surface would
20 sometimes stretch apart and exposing the cement beneath.

I hit the cement and tore my hamstring at the attachment into ischial tuberosity and subsequently had problems with that for the duration. I never really was able to perform at a high level again.

25 Q. All right. That's why you didn't go

back on the steroid program at that time?

A. Yes. Indeed, if I had been able to run at a high level, I certainly would have, yes.

5 Q. Your evidence, I believe was, that after three weeks you saw no side effects and therefore you were confident, I assume, that there weren't any side effects in the use of anabolic steroids?

A. No, I based that on discussions with doctors who said that you could expect no side effects.

10 Q. We're talking back in 1973 now?

A. Yes, that's correct.

Q. There's just the one doctor; not doctors?

A. Yes, that's correct.

15 Q. One doctor, okay. Now, in 1978, I believe your evidence was that Desai Williams, Dave McKnight, it was either Roy and Ray Daley?

A. Ray.

Q. Were students at the Clemson?

20 A. In the fall of '78, leading into the '79 school year.

Q. I believe your evidence was that each was given a bottle of Dianabol and told to take one tablet each day. Is that correct?

25 A. That's what I was told by them, yes.

Q. They told you that even though they took the bottle they never took any Dianabol. Is that correct?

5 A. I heard conflicting stories, but that was my belief, that they didn't.

Q. Did you believe them?

A. I didn't know because I wasn't there during that period.

10 Q. You didn't know because you didn't -- you weren't there?

A. They didn't feel comfortable to tell me, indeed, what they had decided.

15 Q. In any event, in 1979 was the year that you received certain information that confirmed some of your suspicions that a number of athletes were using anabolic steroids to enhance their performance, is that correct?

A. Yes, I received additional information, that's correct.

20 Q. I think you said, and perhaps I can review this additional information, that helped you make up your mind about the use of steroids for your athletes.

25 Number one, I think you said you talked about a Canadian athlete telling you about his British born wife taking 35 milligrams of Dianabol per day?

A. Mm-hmm.

Q. You also talked about the American world record thrower shaming you and telling you that the athletes, the American athletes were on steroids and after reviewing your group, he said, when are you going to tell the boys the facts of life. Is that what he said to you, words to that effect?

A. Yes, that's correct.

Q. And you said you didn't have any answer. Is that your evidence?

A. That's correct, yes.

Q. That kind of surprises me. What else did he tell you that -- what years was he talking about when he was talking about the boys taking the anabolic steroids?

A. Okay. Could you rephrase that?

Q. Sure. When the -- the American thrower that we're talking about, that talked to you in 1979, what years was he talking about when he was giving you information that the top American athletes were using anabolic steroids to enhance their performance?

A. At that time.

Q. In 1979?

A. Mmh'mm.

Q. All right. You believed him, in any

event?

A. Oh, yes.

Q. Did you talk about track and field or was he talking about throwing events or did he specify?

5

A. He specified sprints.

Q. Sprints, all right. Did you find that surprising?

A. Not on the basis of what I knew from the days that I was running.

10

Q. So, he just confirmed the information you already believed to be true?

A. It added to it.

Q. It added to it. But also confirmed it?

A. Yes, that's correct.

15

Q. In 1979, you talked about a dual meet with U.K. and Canada and you found out that the third place was going to be tested in the 400 metres?

A. Yes, that's correct.

20

Q. All right. You saw the chap from Canada who was going to run in the 400 metres and you told him whatever you do, don't finish third. Is that what you told him?

A. Yes, that's correct.

Q. Was he one of your lads?

25

A. Not at that time, no.

Q. And this is before Angella was introduced to a steroid program, is that correct?

A. That's correct.

Q. At that time you really had no reason
5 to believe that any of the Canadian athletes were necessarily using anabolic steroids?

A. I had no reason to believe one way or the other. I didn't have the information.

Q. If you had no reason to believe that he
10 was on anabolic steroids, why would you go to him and tell him whatever you do, don't finish third?

A. We just had that conversation. He told -- at the time. If you'll refer back, you'll see that I said that he told me that he was taking anabolic
15 steroids. He was very vague about what he had received. He didn't know the date he had last received it. He received injections. He didn't advise whether they were orals -- whether they were water base or oil base.

So, very simply, he was coming to a
20 competition without information and without discussing it with anyone. This was my concern and it is a point that I refer to again and again.

Without getting advice he was carrying out a practice where, in fact, he didn't know what he had done
25 or whether or not he would be testable. That obviously

was a major concern.

Perhaps I didn't illustrate the point sufficiently.

Q. Perhaps I misunderstood you, Mr.
5 Francis. I'll read to you what I understand your evidence to be and you correct me if this is not your own recollection of the evidence.

I'm referring to the transcript -- or an extract from the transcript.

10 MR. McMURTRY: What page is it?

MR. FUTERMAN: Page 3651, Mr. McMurtry.

MR. McMURTRY: Thank you.

MR. FUTERMAN: It was announced there would be a drug testing at the competition in the dual meet in
15 Britain and they announced the placings that would be tested in advance which contravened the rules.

It was announced that 400 metres, that the third place would be tested and the athlete in question, you know was obviously, "I had no concept of whether in
20 fact this individual knew what he was doing. If he had, you know, if he knew when he would be clear, if he didn't know what he had taken, if he didn't know the clearance times. He didn't know anything. I became very concerned about this."

25 Now, I'm not sure if, by the statement that

I've just read -- do you recall that evidence by the way,
Mr. Francis?

A. Pretty much. I think that says what
I've just said now.

5 Q. Perhaps I misunderstood you. You said
you did, in fact, talk to him about whether he had used
steroids?

A. Well, yes. That's how I found out
about him and his wife.

10 Q. How did that conversation take place?
This is a Canadian athlete we're talking about, is it?

A. Yes.

Q. Is he one of your people?

15 A. Well, he was training in Toronto. I
talked to him when he was in Toronto. He lived in Los
Angeles.

Q. So you knew before the event that he
was on steroids?

20 A. We had had this conversation while we
were in Europe, so that would be before the event, yes.

Q. What conversations did you have with
him?

25 A. He was talking about anabolic steroids
and talking about the situation in Britain and he felt it
was very extensive there. He mentioned the experience of

his wife who was moved there from the islands.

Q. This was the same gentleman that you told us about before who had a British born wife?

A. Yes.

5 Q. Oh, I see. I misunderstood you. So, that the gentleman that talked about his wife is the same one who came -- who tried very hard not to come third in the dual meet?

A. That's correct, yes.

10 Q. All right. Okay, that clarifies it for me. Now ---

A. But you can understand my concern; this was again one of the reasons why, later, I didn't like the idea that athletes would do things and I would have no
15 knowledge of it.

Q. I understand. So, it was very important for you to know which of your athletes were on a steroid program so you could at least prepare their training accordingly, is that correct?

20 A. And hopefully to keep them from testing positive by doing things which ---

Q. I understand that --

A. --if that's the choice that they wished to make.

25 Q. I understand that in view of the

conduct that we've heard about, I know that -- I realize that was important. But it was more important for you, as I understood it, to make sure that the steroid program and the training went hand-in-hand. That's why you had to know which steroids your athletes were on, is that correct?

A. If they were my athletes, yes. He was not.

Q. I understand. Now, we get to the famous coaches meeting in Sherbrooke that took place, apparently, in August of 1979 with Dr. Doug Clement. He was apparently the guest speaker. At that time he was the medical director of the CTFA?

A. No, he was not a guest speaker. In fact, it was the annual coaches symposium where all of the event groups divide up, decide on the annual plan and so forth, took place after the national championships so they could have a discussion to decide the program for the subsequent twelve months.

Q. In any event, at that particular time, you say that Dr. Clement gave you the impression and the other coaches the impression that there were no known side effects of the use of anabolic steroids when small doses were prescribed?

A. He stated that in small doses he felt that there were no side effects, and that he felt that the risks of using anabolic steroids ranked below, in small doses, ranked below the use of birth control pills. And he felt they were certainly less dangerous than the use of corticosteroids.

Q. Did he at any time tell you what possible side effects there might be --

THE COMMISSIONER: I think we went through that this morning, most of the morning, Mr. Futerman.

MR. FUTERMAN: All right, we will move along.

THE COMMISSIONER: I am not cutting you off --

MR. FUTERMAN: I understand, that's fine.

THE COMMISSIONER: -- but I think Dr. Clement's name has been discussed for --

MR. FUTERMAN: I think that's fair.

THE WITNESS: And in fairness to Dr. Clement, I would like to restate that once again he expressed his opposition to the use of anabolic steroids, and at that time requested random testing be introduced to eliminate it's

use.

BY MR. FUTERMAN:

Q. I think that's very, very clear that he
5 on ethical grounds was very much against the use of anabolic
steroids?

A. That's correct.

Q. Mr. Francis, however, as a result of the
various factors that you have described, and the various
10 pieces of information that you have received from time to
time, you came to the conclusion that to rise to the highest
level of sport in track and field internationally, you had
to take anabolic steroids?

A. That was my belief, yes.

15 Q. All right. Even though probably this
would give you a decided advantage domestically?

A. I would say that's a fair statement.

Q. So, let's just examine that for a moment.
Your concern at that time was that your athletes would have
20 what we call a level playing field on an international scale
at the highest level?

A. That's correct.

Q. The fact that they had a substantial
edge, according to your theory, at least three meters --

25 A. No.

Q. One meter, one meter, forgive me, with the local boys was of no concern to you?

A. Well, first of all, are you suggesting that no one else in Canada was using steroids?

5 Q. I am not suggesting that. You didn't know whether they were or weren't. I have no idea whether they were using steroids or not. And I suggest to you, sir, that you didn't either?

A. At that time, I was new on the scene, and
10 I wouldn't necessarily know what people were doing, but certainly they were prevalent on the scene. I had found them as an athlete and I would have no reason to believe that others would, within or without my own training group. The evidence definitely has been the case at that time and
15 subsequent to that time. --

Q. The evidence you gave as I understand it, and specifically recall it, was that you felt that you had to use anabolic steroids on an international scale even though this may give you an advantage domestically because
20 you didn't really know whether the local boys or girls were using steroids in Canada; is that correct?

A. That would be fair.

Q. All right. So that obviously the advantage that you were going to gain internationally
25 outweighed any advantage that you might get domestically,

that was not of any great importance to you at that time?

A. Well, it depends on if you wish to compete on the international level, which indeed was the stated goal.

5 Q. But wasn't it fair from your perspective as a coach, a Canadian track and field coach, that all youngsters regardless of whether they were part of your group should have the same level playing field in Canada?

10 A. Well, obviously that's a dilemma because you have the situation internationally and the situation domestically. It's a dilemma we faced then and one that most assuredly will be a dilemma that will be faced subsequent to the events that have happened here.

15 I do believe that there will create -- there will be created a situation where a level playing field will most likely evolve in Canada. However, whether or not Canadians will any longer be able to compete at an international level has to be ascertained.

20 Q. Well, as a starting point, is it not important that we have a level playing field for youngsters in Canada?

A. Well, certainly it is one of the -- it's a dichotomy which you choose to go --

25 Q. Should that be your number one priority as a Canadian track and field coach?

A. It depends on what your stated coaching objective is, either as an employee who was paid to do so or otherwise. My stated employed objective, indeed, was to produce athletes at the highest level internationally. That was the number one point on my job description which is entered into evidence.

Q. I don't suppose your employers would have been very happy about the way you have described your job description?

10 A. I don't know.

Q. All right.

A. You will have to ask them.

Q. All right. So that to sum it up, you felt --

15 THE COMMISSIONER: I am sorry, Mr. McMurtry, Mr. Futerman is distracted by your talking to Mr. Pratt.

MR. McMURTRY: I am sorry.

BY MR. FUTERMAN:

20 Q. So that you felt it was okay to cheat domestically as long as you had a level playing field internationally?

A. I would say that would be a fair statement.

25 Q. I think as well in your evidence you

talked about -- you had the impression that certain of the domestic athletes were also cheating and certainly certain international athletes were cheating and you could tell by looking at their appearance; is that correct, in many instances?

A. In some instances.

Q. All right. What was it about their appearance that allowed you to come to that conclusion?

A. The primary appearance change is a significant gaining or losing of weight over a season.

For example, in the training period an athlete would be gaining weight, and in the competitive period he would come down again in weight. So perhaps anywhere from an eight to fifteen pound change would be quite routine, perhaps more or less depending on individuals. This would be on a male of average size and so forth, perhaps 170-180 pound individual.

Q. Did you spend time observing various athletes from time to time?

A. Yes.

Q. As part of your responsibilities?

A. Yes.

Q. I see. So by looking at these athletes and seeing this kind of weight shift, you felt that was indicative of the use of steroids?

A. Yes, I did, but not only was I observing these changes in these individuals, in terms of their weight shift in the season, in terms of the gains over from one season to the next, which would not fall into place in terms of their growth. We are not talking about young people growing, we are talking about, you know, 20-year old individuals who wouldn't be expected to have considerable changes.

These things were apparent to me and apparent to my athletes who by now, you will understand, had been competing in international meets for in some case two or three years.

Q. But I am more concerned now about your impressions. We can get to your athletes' impressions later on. So that by looking at these athletes you were able to determine whether some of them were on steroids or not?

A. I was led to those conclusions, yes.

Q. By the reasoning process that you have just described? All right.

Now, I believe you have told us that Angella Issajenko was your first convert. And you and her discussed a coach who denied steroid use and it turned out she was not being truthful, and therefore, you concluded that nothing that a coach -- that that coach said could be believed. Do you remember making that statement?

A. We were discussing about anabolic steroids.

Q. Yes.

A. If I might clarify.

5 Q. Please.

A. The situation was this coach discussed the program period of the athlete and stated that the athlete had never used anabolic steroids and so forth, and was quite adamant about that both in public and in private
10 discussions. However, this particular coach went further to state that they themselves had never done anabolic steroids. I knew that not be the case because I knew someone who had provided anabolic steroids to this individual and had told me so in the presence of Angella Issajenko.

15 Q. That was substantially your evidence. And I think you concluded by saying it turned out she was lying, and therefore, nothing else that coach said could be believed. Do you remember saying that?

A. Perhaps I said words to those effect.

20 Q. Mr. Francis, does that that apply to you as well?

THE COMMISSIONER: What was the question.

BY MR. FUTERMAN:

25 Q. He made the statement, Mr. Commissioner,

that he's just admitted, that this coach turned out to be lying, and therefore, nothing else that that coach said could be believed. And Mr. Francis acknowledged that, yes, he made a statement to that effect.

5 THE COMMISSIONER: Yes.

BY MR. FUTERMAN:

Q. And I simply asked him would that apply to you as well?

10 A. With regard to anabolic steroids.

Q. Yes?

A. Certainly.

Q. Thank you.

15 A. As you are aware in competing, obviously --

Q. I think you misunderstood my question, but we will move along.

A. Okay.

Q. Look at Exhibit 116, which is the graph.

20 THE COMMISSIONER: 116, please. Give it to Mr. Francis, please.

THE WITNESS: You are on graph 2.

BY MR. FUTERMAN:

25 Q. We are looking at graph 2. We are

looking at, I suppose, the women's 100 meters?

A. 100 meters.

Q. Which is the one I think you referred to at -- at time some length. When did you prepare this graph?
5 Was this something done for the Inquiry or had you had something like this for many years?

A. I obviously prepared this one for the Inquiry, but I had obviously looked at the graph and trends from 1960 to the 1977 year when discussing it with Angella
10 Issajenko.

Q. All right. And by looking at this graph, you came to the conclusion that the improvements that you noticed could only be accomplished by the use of anabolic steroids?

15 A. And other drugs.

Q. And other drugs. Otherwise, it would take at least 50 years I think your evidence was to get to the point of where the athletes are today?

A. That's my belief, yes.

20 Q. That was your belief, all right.

A. And is.

Q. Now, did you take into account when you came to this conclusion, the improved coaching techniques that we have today?

25 A. Yes.

Q. Did you take into account the improved coaching facilities that we have today?

A. Yes, I did.

Q. Did you take into account that hundreds
5 of thousands of more kids today are involved in track and field than ever before?

A. Yes, I did.

Q. And you discounted all of those factors as being as important for the improvements that we see
10 compared to the use of anabolic steroids?

A. They are important in terms of improvement. But a linear graph or a graph with an upward curve would not make any sense. There comes a point where there will be a law of diminishing returns. The work
15 provided -- already the athletes at the highest levels by the, you know, 1960, and in many cases before that, were it training conditions to even this day were not available in Canada now.

Q. Has anyone else looked at your graph and
20 told you that they agree with it, or is this just your opinion?

A. This is my opinion.

Q. This is your opinion?

A. Yes.

25 Q. All right. I think you said yesterday

that had Ben Johnson not waved at the crowd as he crossed the finish line, he probably would have gone -- this may have been a few days ago, 9.73?

5 A. That's correct. I believe further that it can be shown on the documents by his electronic splits up to 80 meters --

Q. As a matter of fairness, you said, that -- I don't think you were using it in this context, but you said even at 9.79, without the use of steroids, he would
10 have gone 9.89?

A. Quite possibly, yes.

Q. So that there is an example of a young man who might not have been on a program of steroids who could still have run the fastest time for the 100 meters in
15 world history?

A. You fail to take into consideration every other year building up to that. You fail to take into consideration his world rankings that were required for him to develop, the ability to travel in international
20 competitions. You fail to take into consideration the circumstances by which his initial competitions in Europe were made available by the performances of Angella Issajenko and others.

Without an entire picture, a program from
25 beginning to end, you can't simply say, step aside, remove

those components, and everything will work out fine.

Q. I understand there is a lot of uncertainty in all the things we say, but the one thing I thought you said was that the use of anabolic steroids in terms of the kind of program you have described, means approximately one meter to an athlete of word class classification?

A. Yes. In other words, the higher the level of the athlete, the less the improvement that could be --

Q. So as a general rule, and I know there are exceptions and I know there may be other reasoning that may go into how an athlete reaches that highest level, but as a general rule, this athlete, using Ben Johnson as an example, would have gone even without the use of steroids 9.89?

A. Your argument falls through because --

Q. It's not my argument, that's the information you gave us.

A. No, I am afraid not because --

Q. I misunderstood --

A. -- we are not talking about any given year. You have got the year before, the year before, the year before.

Q. I see.

A. And the correlation between the performances which may or may not have been enhanced, of all the other athletes who made the competitions available. Remember now that it was necessary for Ben and Tony and
5 Desai to go to Europe to gain international experience that was not necessarily going to be available to them through the standard programs offered by the Track and Field Association due to monetary constraints. In many cases they were helped by the performances of Angella Issajenko to go
10 to Europe, later others were helped by Ben and so forth.

I believe you can understand it is a very complex question that can't simply being brushed aside --

THE COMMISSIONER: Aren't you saying that to look at 1988 and what may or may not have been done there,
15 you have got to look over the whole history of training for several years before; is that what you are saying?

THE WITNESS: For the whole period of development which may go back 10 years, and in Ben's case, but in standard form it would be over seven years. In other
20 words, every action has a consequence. The performances of the athletes at an earlier date had the consequence that allowed Ben Johnson to gain experience and so forth and so forth. Had you removed steroids from equation, you don't know if he would have had the opportunity to go forward.
25 But I would like to restate my one argument in the case of

Ben Johnson. There is no doubt in my mind, I believe he was competing on a level playing field in Korea. And he is without a question, the best sprinter who has ever lived. I don't think anybody can argue with that.

5 Q. Thank you, Mr. Francis, for that on behalf of Ben Johnson, but carrying it further, is it not kind of sad that Ben Johnson and other athletes that were part of your group will never know for sure. Isn't that kind of sad?

10 A. Excuse me, they will never know for sure what?

 Q. They will never know for sure if they could have done what they did these past eight or nine years without the use of anabolic steroids?

15 A. Well, that would be a fair comment. However, I think that you have to take into consideration what the opponents were doing. It is very difficult going back seven or eight years to decide that your athlete will be so good that he will line up a meter behind all the
20 others for the duration of his career, but at the end he will be so good that indeed he will still win. That's a very difficult premise to employ in the way through. And Ben Johnson is not an athlete that comes along, not every two years, not every five years, maybe not in a 100 years.

25 Q. Did you tell him that? Did you tell Ben

that when you started him on the steroid program?

A. I couldn't know that.

Q. I see. When we talk about the highest level, just so that I will understand what we are talking about, what is the highest level from your point of view?

A. To me the Olympic finalist level and the medalist level.

THE COMMISSIONER: I am sorry?

THE WITNESS: Olympic finalist and Olympic medalist, at that high level.

BY MR. FUTERMAN:

Q. So as a coach you see that as being your prime goal to have your young people reach that platform as an Olympic gold medalist?

A. That was my goal, yes.

Q. That's your number one goal.

A. Well, again, we have stated that earlier. My number one goal was that I would hope -- would have hoped that the athletes would be successful in whatever it was, wherever they might end up. And, indeed, I had no way to foresee that these athletes would reach such levels at any time until farther down the road. You couldn't assume that Ben had the potential to run at these times at least until 1984. And yet he had been training for many years before

that.

Q. In 1979, you and Angella Issajenko went to see a doctor?

A. That's correct.

5 Q. All right. Whose idea was this to see the doctor, her idea or your idea?

A. We both had the discussion and she decide she would go with me. We had numerous discussions during that entire summer.

10 Q. Where did the impetus come from, from Angella or yourself?

A. From both, from discussions that went back and forth. I had gone to this doctor myself for treatment.

15 Q. This was the same doctor that you saw in 1973?

A. No, this is --

Q. This is a new doctor. Had you ever discussed anabolic steroids with this doctor before?

20 A. Yes, I had.

Q. What conversations had you had with this doctor before bringing Angella to him?

25 A. I had had conversations about it, if he -- what he thought of them and so forth. He didn't seem to have any particular opinions against them, but he didn't

have a lot of information about the performance enhancement qualities.

Q. Did you tell the doctor that the anabolic steroids were banned as far as athletic use was concerned in amateur track and field?

A. Yes, we discussed that.

Q. All right. Was he concerned about the morality of using anabolic steroids?

A. I believe he was concerned about the athletes' health and what they would do. I believe any doctor who was in this position who would prefer that an athlete -- a doctor is in the position of a coach. You have a choice, you can say, no, I want nothing to do with it, but the consequence may be that the athlete does it anyway. That holds true if you are a doctor or a coach. So, it's not a simple decision to say yes or no.

Q. Do you remember precisely what the doctor told you about steroids at that time, anabolic steroids?

A. He felt that there were no side effects in moderate doses.

Q. Did he say that he had to look into it more carefully, or did he advance an opinion the first time you met him?

A. I believe within a few times that I had met him.

Q. You believe or you remember?

A. Well, I don't remember because in fact I don't remember. I had a number of discussions with him and I was going there for other reasons. The first time I met
5 him, I went for a van licence because I was taking the kids down to a training camp and had to get a Class F licence which required a medical and so forth.

Q. You are saying to us the doctor did not tell you about any side effects at that time, or did he?

10 A. No, he did not.

Q. Okay.

Q. Did he also tell you that he was skeptical about anabolic steroids helping athletes in terms of their performance?

15 A. He said he didn't have the information in terms of studies showing performance enhancement with small doses.

Q. Did he say he was going to look into it? Did you ask him to look into it?

20 A. Yes, he said he would attempt to look into it.

Q. At the same time did he say he would like into the side effects?

25 A. I assume he would, yes, but he didn't say so, no, not directly.

Q. Did you ever discuss the side effects after that first meeting with him?

A. No.

Q. It was never raised again by you or the doctor?

A. Well, as I had said, I had the further discussion with Dr. Clement,

Q. I am talking about this particular doctor. We have already talked about Dr. Clement.

A. He's already told me --

Q. Let's talk about this doctor that you went to see in 1979 who I understand was your family doctor as well and you had seen for a number of reasons on a number of occasions. The first time you broached him on the subject of the anabolic steroids, did he mention any side effects to you?

A. He said he didn't feel there were side effects in low doses.

Q. And after that, did you ever discuss the side effects again?

A. No, I felt in his search if he found anything in either direction he would bring it up. And he had further conversations in my presence with other athletes in which he repeated that statement. And assumedly he had looked into it.

Q. Just tell me because this really goes back a bit. At the university, what kind of student were you at Stanford. Were you an A student, Mr. Francis?

A. No.

5 Q. No. B?

A. Just your basic average lazy student, I would say.

Q. All right. I don't understand completely why Dianabol was removed from the Canadian market and later the U.S. market. You mentioned something about a
10 problem with Third World countries, they were dumping the steroids in Third World countries. Did I misunderstand you or is that the reason you thought that the use of Dianabol was removed from the Canadian market?

15 A. My understanding was that that was one of the reasons that the company that originally produced it --

Q. Were there other reasons?

A. Not to my knowledge, because it was permitted to be produced in generic form in the United
20 States beyond that period. In other words, the company that initially produced it stopped producing it, but generics were still being produced and approved by the Food and Drug Administration in the United States.

Q. We get to the first time that you
25 purchased any pills, any Dianabol pills. I understand that

you bought them from someone called Bishop Dolegiewicz who was a friend of yours?

A. That's correct.

5 Q. He is the first one that talked to you about the cycles and the dosages; is that correct?

A. No, because I had talked to the doctor when Angella went.

Q. Well, did that doctor prescribe the cycles and the dosages?

10 A. Well, he discussed that they should be interrupted, yes.

Q. But did he give you a specific formula to use?

15 A. I believe he gave a formula that was three weeks on and three weeks off, something like that.

Q. Do you believe that or do you know that?

A. I believe that.

Q. You may be wrong?

20 A. I may be wrong, but it will be easy to establish --

Q. I didn't ask you that, I said --

A. -- because the documents are --

Q. May you be wrong when you say that he gave you that cycle, three weeks on and three weeks off?

25 A. Well, I may be wrong.

Q. That's all I am asking you to acknowledge. Now, you have also talked --

A. I might add that he did discuss the idea of interrupting it in cycles. Whether I am exactly correct
5 in that, I am not sure, but Angella Issajenko has all the documents.

Q. We are talking to you now, she will have her chance, I am sure, later on.

Did you know or do you remember her or him
10 giving you that specific cycle? Yes or no?

A. The specifics of it, no.

Q. Thank you.

A. Other than it was interrupted.

Q. Thank you. Now, you talked about the
15 chromatography machine that the Soviets were using to test their athletes before they appeared at a meet. The Soviet ship would, I guess, take the athletes into the harbour, they would do some testing on the ship, then they would come down and compete if they were clean?

A. Yes.
20

Q. Is that your information?

A. Yes, it is.

Q. How did this come to your attention
because I always was under the impression that the Soviets
25 were pretty secretive about things like that. How did you

find out about that?

A. There are athletes here. In fact, there is a coach who is working at York University who was part of the team.

5 Q. I see.

A. And in fact on many occasions the ship was present in the Montreal harbor. It was present in Korea. And, in fact, an order for four new gas chromatographs was placed with Hewlett-Packard before the
10 Olympics in '84 to my understanding. Of course, they didn't go.

Q. Did you ever see the machine?

A. No, certainly not.

Q. And you are aware that the U.S. Olympic
15 Committee prior to 1984 allowed non-punitive testing. And once again, how do you know this?

A. I know because some of the athletes in fact attended it. Bishop Dolegiewicz in fact had his urine tested there.

20 Q. So Bishop would be one of the witnesses who would confirm the veracity of that statement?

A. He could, yes.

Q. All right. I think you ultimately said
that for all the reasons you have outlined, perhaps others
25 as well, that you came to the conclusion that the athletes

and you had to make a decision together that they simply could not be left to make these decisions on their own. And that mainly was because of what happened to that young lady, Alexis MacDonald, I think her name was?

5 A. Yes, Alexis Paul-MacDonald.

 Q. Who made certain statements that turned out not to be true?

 A. No, I don't know for sure that they were not true.

10 Q. But the impression you created was that after --

 A. But my impression was that indeed she must have taken an anabolic steroid unbeknownst to me for a period of time.

15 Q. Yes. So after that time --

 A. At least in that competition.

 Q. -- it became very important for you to know exactly what steroid program each of your athletes were on?

20 A. I was hoping to know so because I think -- well, I will answer yes and then extend that.

 Q. All right. Thank you.

 A. I felt that the athletes themselves were looking at the world situation the same way I was. They had
25 been in Europe on numerous occasions.

Ben, for example, had been to Europe three times now, he had competed in the Pan-Am Junior Games, he had seen the American competitors, he had competed in the alternate Olympic competitions in Stuttgart and Philadelphia. He was now becoming a competitor with his own contacts, the people he would meet, you know, the horizon is expanding.

I had athletes who were now attending schools in the United States. These athletes would be exposed to the same sorts of information that I would. And I could make a decision to try to leave the door open enough that we could talk about this or I could say absolutely no, and then see what happens.

Q. In any event, you decided that the athlete should not go on a steroid program without you knowing about it?

A. That he was my hope, yes, absolutely.

Q. It was more than your hope, it was part of your program?

A. I hoped so, yes. But I can't -- I can't guarantee you that in fact during all the years that I have coached that I know every athlete who ever did anything. I can't guarantee that.

Q. I think --

A. But I hope I put -- I left the door open

enough that if that was the direction they wanted to go,
that indeed they would come to me.

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Q. You acknowledge that there were various times during the past seven or eight years that you, in fact, did not know those steroid programs certain athletes were on, but this was contrary to your plan that you originally had started with, and that was to make sure the training cycles and the steroid cycles would go hand in hand?

THE COMMISSIONER: And the clearance times.

10 MR. FUTERMAN:

Q. And the clearance times.

A. Yes, that was certainly my objective, yes.

15 Q. But somewhere along the line, your objective was not being fulfilled?

A. Well, again, that's difficult to answer because I don't know to this day for sure whether they were or were not.

20 Q. I guess what concerns me, perhaps just my concern, that you gave us the impression, because this was extremely important, that the cycles had to be known by you, and now it doesn't seem to have the same importance?

25 A. No, it does have that importance, but I am suggesting to you, I can't guarantee to you that every

person who I believed did not take anabolic steroids did, in fact, not take anabolic steroids. I try to leave the door open to individuals in every case that they would come to me if they wished to make such a decision, but I wasn't about to go to each and every member who trained with me and suggest yes, you should go on anabolic steroids.

THE COMMISSIONER: But you couldn't know exactly whether those athletes who were on the steroid program were actually following the protocol, whether taking more or less than prescribed?

THE WITNESS: That also would be difficult; however, I believe that if anabolic steroids went too far, that in sprint events it would show up in that they would be too stiff and so forth.

MR. FUTERMAN:

Q. And what if they weren't taking any at all?

A. And they said they were?

Q. Yes.

A. I suppose it's possible.

THE COMMISSIONER: Well, would you notice the performance?

THE WITNESS: It would depend on the

individual because particularly with females, the dosages would be so small that it would not be so apparent.

However, I do believe you would not get the same sort of response in training. You would have to adjust the training program, and there were, in my experience, differences between athletes who used anabolic steroids and who did not in terms of their ability to recover from particular training tasks that you would give them.

Q. All right, just moving along then.

A. Just as there would be individual differences.

Q. All right. In the summer of 1981, that's when you first spoke to Ben Johnson along with Desai Williams and Tony Sharpe, according to your evidence last week, about the use of anabolic steroids as part of their program; is that correct?

A. That's correct.

Q. And you spoke to them individually; is that correct?

A. That's correct.

Q. And that Ben at that time, as we have learned and discussed earlier, was 19 and he had been with you since he was 15. At that time, just focusing on Ben Johnson for the moment, how would you describe him? At that time was he independent? Would you describe him as

an independent soul?

A. That's a difficult one to answer. I would say, if I could describe him as I knew him, he was--

Q. What was he like at 19?

5 A. He was quiet, he had a very good sense of humour, his sense of humour was expressed in patois so you had to speak the language, so to speak.

Q. You had better explain what you mean by patois. Is that Jamaican?

10 A. Yes, a Jamaican slang. I think you can understand, it would be similar to Cockney humour or that sort of thing. If you weren't used to it, you wouldn't pick up on all of it, but I was becoming familiar with it.

15 Q. You were becoming familiar with it by that time?

A. I should hope so after so many of the athletes--

20 Q. All right, anything else you can tell us about how you remember him at the age of 19? Was he decent?

A. Absolutely.

Q. Was he involved with his family?

A. Yes, he was.

Q. Was he loyal?

25 A. Yes, he was.

Q. Did he trust you?

A. I believe so, yes.

Q. Did he believe, as far as you could tell, that you knew what was best for him at all times as far as track and field was concerned?

A. I believe that would be a fair statement, yes.

Q. If we could just digress here for a moment, is there any particular age that you feel an athlete should be able to decide whether he or she should be able to go on anabolic steroids by themselves?

THE COMMISSIONER: I'm sorry, I don't understand that.

MR. FUTERMAN:

Q. Is there a particular age that you would feel it's proper for you to introduce the subject of anabolic steroids with any of your athletes? Would you introduce it to them when they are 15, for example, assuming you had people of that age with your group?

A. I think the most appropriate answer to that would be that you would introduce the subject to them at a time that you felt that they were going to be exposed to people who would be doing this in the international forum. If, for example, a young athlete was 15 and there

was a kid down the street who was doing anabolics at age 15, you wouldn't suggest that he follow suit, no.

Q. What about if there was a 15-year-old international star who was doing anabolic steroids and your 15-year-old was going to an international meet?

A. I would say no.

Q. You would still say no?

A. No, because it doesn't matter if, in fact, you're good at 15. It matters how good you are ultimately over a long progressive period.

Q. What is the age then? Is there an age that you say that below this age you would never talk to a youngster about going on an anabolic steroid program? Is there a specific age that in your own mind you feel would be the appropriate age before you would introduce anabolic steroids to any of your charges?

A. Well, first of all, it would depend on my understanding of the individual and whether or not I felt that they were in a position to understand what was going on. Whether or not I felt that they were going to be exposed to these pressures from their peer group.

Q. Are you saying that some people you would speak to at an earlier age depending on their understanding and other people you would speak to at a later age, depending on their ability to understand?

A. Well, first of all, I believe you have to recognize the fact that you must begin to speak to people at a time that they, in fact, will be able to see these things for themselves because you can't wait and then find out what decision has been made farther down the road.

Q. Is there a specific age where you would say that you could speak to them about making these decisions? Is there any particular chronological age?

A. Well, I have never given steroids to anyone below the age of 18, but I don't know.

Q. Is there any circumstances that you might?

A. I can't see any.

Q. And if someone over the age of 18 would, insofar as mental capacity is concerned - be under the age of 18 mentally - would you give them steroids?

A. Are you suggesting that Ben was--

Q. No, I am not suggesting anybody. I am just asking you a hypothetical question, if you can answer it?

A. Well, the discussion would be whether the athlete understood and could comprehend what, indeed, we were discussing.

Q. So their capacity to understand is

obviously even more important than the chronological age?

A. Their capacity to understand is clearly important, yes, I agree.

5 Q. All right. Now let us examine what you told Ben Johnson about the use of steroids.

A. Perhaps we should take five minutes and give everyone a bit of rest.

--- Short recess.

--- Upon resuming.

10 THE COMMISSIONER: Mr. Futerman, please continue.

MR. FUTERMAN:

15 Q. Mr. Francis, let's examine specifically what you told Ben Johnson about the use of steroids, about the reasons why he should consider using anabolic steroids.

THE COMMISSIONER: Will you identify the date? Will it help?

20 MR. FUTERMAN: Sometime in 1981, I think you alluded to the summer of 1981. We are talking about the first introduction to Ben Johnson about anabolic steroids. Let me ask you some specific questions, and
25 perhaps you can answer them, and then afterwards if you

have anything else to add to them, please do so, all right? Did you tell Ben that he was lacking in strength in terms of his running?

A. Yes, I did.

5 Q. Did you tell Ben that he would have difficulty in getting to 12 metres per second under the present circumstances?

A. No, I didn't have that conversation with him at that time because no one had ever obtained 12
10 metres per second.

THE COMMISSIONER: I gather there was more than one conversation, was there?

THE WITNESS: Yes.

THE COMMISSIONER: So we are dealing with
15 the first one now, just so I can keep track of them.

MR. FUTERMAN: Thank you, Mr. Commissioner.

Q. Before Ben saw a doctor or said yes to the use of steroids, let's then talk about the
20 conversations you had with him prior to the first time that he went to see the doctor, all right?

A. Well, if I could go back--

Q. Can I just cover some questions and then you can-- we will cover the same questions again.

25 THE COMMISSIONER: Wasn't that a general

question? Why don't you let him answer the question and then you can fill him in.

MR. FUTERMAN: All right, thank you, Mr.
5 Commissioner, that's fair.

Q. Please go ahead.

A. I just wanted to set this in context.
We went to Europe for an early series of competitions in
June of 1981. During that period, I received a call from
10 the Canadian Track and Field Association office which
informed me that Alexis Paul-MacDonald had tested positive
for a banned substance and asked me about it, if I knew
anything about it. Obviously I did not, but I was very
concerned about it. Here was a situation with an athlete
15 who had tested positive and I knew nothing about what they
had done, although I really shouldn't have discussed it
too much because there was still the possibility of an
appeal. I did talk to the athletes that an athlete had
tested positive for a steroid.

20 THE COMMISSIONER: What athletes were you
talking to then?

THE WITNESS: At that time Ben was present,
Angella Issajenko was present, Molly Killingbeck was
present, Desai Williams, Tony Sharpe, Mark McKoy. I don't
25 know if I have gone over any twice, but I did have a

discussion with them at various times to explain that this had happened and--

MR. FUTERMAN:

5 Q. At various times you discussed that same subject matter, that someone had tested positively?

A. Yes, and I was very concerned about this because I didn't have--

10 Q. Well, you talk about several times as if we all understand that. Perhaps can you be more specific?

A. In Europe on several different opportunities to speak to the various athletes, I mentioned that this had happened and that it was
15 unfortunate. I had no line of communication, I didn't know what this athlete had done, hoping to elicit any information from anyone else who might be following a similar course.

Q. All right, carry on.

20 A. I wanted the door open because it became very clear that athletes were going to be under pressure. These athletes were travelling to international competitions, getting information and would potentially make decisions with me or without me. So again, going
25 back to the conversation I had had with the shotputter and

other people, I began to get the feeling that I better get a handle on what's going on, try to find out what's going on, and then at least if the athletes were going to make a decision, I would be a part of it.

5 Q. I think the question I asked you, let's examine exactly what you told Ben Johnson about the use of steroids.

A. Well, at that time--

10 THE COMMISSIONER: Before he went to the doctor.

MR. FUTERMAN:

Q. Before he went to the doctor's.

15 A. At that time in Europe, I did mention this to him, that this had happened, that I was concerned that an athlete had made a decision on their own, and I wanted to at least make it clear that the door was open. I wasn't going to be critical of any decision.

20 Q. Well, did Ben come to see you then and say yes, I would like to take anabolic steroids now that you've opened the door?

25 A. No, he didn't, but again he didn't,--you know, my main purpose for bringing this up at that point was to find out, indeed, if anything had happened or if anybody had done anything independent of

me.

Q. Well, were you satisfied that as far as you knew, except for Angella, in 1981 none of your other athletes were on the steroid program? Is that a fair statement to make?

A. Not exactly. In Ben's case, yes, I was satisfied.

Q. Well, in fairness let's focus on Ben's case.

A. In Ben's case, yes, I believe that.

Q. Okay. And what's the next thing you discussed with Ben after you talked to him about that example of someone testing positively and you knew nothing about it, and I guess you were encouraging him to be more forthright with you and tell you if any of the other athletes were on a steroid program; is that correct?

A. No, to tell me about themselves.

Q. All right, and Ben Johnson obviously did not come forth. Did you come to him then to discuss steroids further?

A. Later in the summer, yes, I did.

Q. All right, how long after that incident was that?

A. It would have been at the end of the summer because we went to South America to the World Cup

trials where he ran very well, and to a series of European competitions ending in the World Cup, so it would have been perhaps the end of August.

Q. Where was this conversation with Ben?

5 A. Back in Toronto after we came back from Rome.

Q. In your apartment?

A. It was at the track, I believe.

Q. Was anyone else present?

10 A. No, no one else would have been present.

Q. And I guess this had to be a very difficult question or a difficult conversation with Ben. For the first time in the four years that you were coaching him, you had to discuss the issue of anabolic steroids. This couldn't have been an easy conversation.

15

A. It's a little awkward obviously to introduce the discussion.

Q. Certainly more awkward than it had been with Angella?

20

A. I wouldn't say it was anymore awkward, no.

Q. You and Angella discussed it many times in advance, so there was no real problem in discussing the use of anabolic steroids with Angella because she knew--

25

A. There is always a first time that you discuss it. You can't say you discussed it in advance and then say you discussed it. That takes the pressure off you to discuss it for the first time.

5 Q. Well, I guess where I have some difficulty, you gave the impression when I asked you before, did you broach the subject with Angella or did she broach the subject, and I thought you said we both discussed it together. As if I got the impression that
10 you both made a decision at the same time; is that correct?

A. Well, we were both on the same wavelength, but I believe I would have broached the subject. I would have to because it would be more
15 difficult.

Q. But you gave me the impression that Angella had enough background, her own information supported by your own information, therefore the two of you at the same time realized this was the only way to go
20 in high-level international sports, in track and field.

A. I wouldn't say it was a problem for her to make up her mind, but certainly by the time I did talk to Ben, he was well aware of the use of steroids on the international circuit.

25 Q. And notwithstanding that, I think you

indicated the other day, it took him possibly two or three months before you finally went ahead with Ben.

A. Yes, that's correct.

Q. He didn't make that decision right
5 away?

A. No, he did not.

Q. So he had a little more difficulty with the concept of using anabolic steroids than Angella did, for example?

10 A. I wouldn't say he had any more difficulty with the concept of using anabolic steroids, I would say he had difficulty in terms of the ethics of using anabolic steroids. There is a difference.

Q. All right, let's talk about that.
15 First of all, let's talk about the various things you told Ben, whether it was the first meeting or the second meeting, but certainly the meetings preceding the time you saw the doctor in 1981 around the summer sometime. At that time, I think we've all agreed that Ben was 19. He
20 wasn't to be 20 until the end of the year; is that correct?

A. Yes.

Q. You did tell Ben that he was lacking in strength in terms of his endurance?

25 A. That's correct.

Q. And that one of the things that anabolic steroids might do for him is improve that endurance? Did you tell him that?

A. Yes.

5 Q. And did you tell him that at the highest level, in respect to international competition, that steroids were being used by all the athletes since the mid-sixties?

A. By the top people, yes.

10 Q. You told him that?

A. Yes.

Q. All right. Did you tell him also that he was on the threshold of breaking into international prominence?

15 A. Yes, I did.

Q. Did you do your best to persuade him to go on steroids?

A. I wouldn't say I did my best to persuade him, I gave him the facts as I saw them.

20 Q. Did you give him the impression at that time or on those times that ethically there was nothing wrong with what you were suggesting?

A. I didn't give him an ethical opinion. That was for him to decide, and indeed he took some time
25 to think about it.

Q. Did you tell him that the use of these drugs were banned?

A. Yes.

Q. You remember that specifically?

5 A. Yes, I do.

Q. When did you tell him that?

A. I told him that the drugs were banned.

Were he to go on them,--

Q. What drugs are you talking about?

10 A. Steroids, anabolic steroids.

Q. Well not all steroids were banned at that time, I understand back in--

A. Anabolic steroids were banned, yes.

15 Q. All of them were banned at that time, all right. And did you specify the anabolic steroids?

A. At that time, I believe I spoke about Dianabol.

Q. You believe you did?

20 A. That was the one I had familiarity with, but primarily the discussion was about anabolic steroids without any specifics because it was still a question of whether or not he wished to go ahead.

Q. What specifically did Ben say to you?

A. He said he would think about it.

25 Q. Did Ben ask you any questions about

what anabolic steroids were?

A. His main concern during any conversations was what the other athletes were doing, and it appeared he had seen people changing rapidly. He had
5 seen improvements in athletes between one year and the next that he felt were attributable to the use of performance-enhancing drugs.

Q. He actually used those words to you?

A. He said those guys are on something and
10 he was referring specifically to some athletes who he was aware of who had competed against Desai Williams two years earlier and so on who had improved dramatically and left Desai behind.

Q. Did he tell you what they were on?

15 A. No, he said those guys are on.

Q. On what?

A. He didn't say specifically steroids.

Q. Did he say vitamins?

A. No.

20 Q. Could it have been vitamins?

A. The nature of the conversation, no.

Q. As far as you were concerned?

A. As far as I understood it, he was
discussing anabolic steroids, yes.

25 Q. But in fairness, you can't say what Ben

understood, you can only say what your impression is of what Ben understood; is that fair?

A. That's fair, yes.

Q. Thank you.

5 THE COMMISSIONER: I'm sorry. Now, were vitamins banned -- vitamins were never banned.

THE WITNESS: Not yet.

MR. FUTERMAN:

10 Q. What about Tony? Did he hesitate the first time you spoke to him about anabolic steroids?

THE COMMISSIONER: Is that Tony Sharpe?

MR. FUTERMAN: Tony Sharpe.

15 A. No, he had also been exposed to them, as I have mentioned earlier, in discussions with the other athletes.

Q. What about Desai Williams? Was there any difficulty with Desai going on this program, as far as you can remember?

20 A. Yes, he waited for the same period of time as Ben.

Q. All right. Did these boys ever talk to each other as far as you know?

A. I assume they did, but I don't know.

25 Q. You don't know that. Now, Mr.

Francis--

THE COMMISSIONER: I think when the people are now 19 and 20, we are talk as young men, we don't talk about boys anymore.

5 MR. FUTERMAN: It's a matter of perception, Mr. Commissioner, I am sure. Everybody younger than me is a boy.

THE COMMISSIONER: It's not a jury. I know with a jury, they can be 25 and we say this young man.

10 MR. FUTERMAN: I'm sorry. Young men might be more appropriate. I call them boys. Mr. Francis,--

THE COMMISSIONER: I'm more likely to call them boys than you are, but they are still young men.

15 MR. FUTERMAN: Perhaps you are two or three years used to it more than I am. I will get there. I don't mean that unkindly, sir.

Q. Mr. Francis, is it fair to say that no one can really tell what someone else understands except that person himself?

20

A. Everyone has to draw a conclusion, and once you've drawn your conclusion, that's my conclusion. Of course, whether or not my conclusion is reality is open to interpretation, of course.

25 Q. During this past few hours that you and

I have been talking, I don't mean this unfairly or unkindly to you, it's I that's caused the confusion, but there have been times where you have either misunderstood my question or I've misunderstood your answer. Is that
5 fair?

A. Sure.

Q. And that happens all the time to most of us from time to time?

THE COMMISSIONER: Well, I hope that
10 doesn't happen all the time.

MR. FUTERMAN: With you excepted, of course.

THE COMMISSIONER: I would never get finished.

15 THE WITNESS: I would further hope that our discussion will not be as lengthy as the discussions I had with Ben Johnson in 1981.

MR. FUTERMAN: I'm sorry?

20 THE WITNESS: I would further hope that our discussions would not go over as many months and indeed years as the time I was acquainted with Ben Johnson.

THE COMMISSIONER: About what matter?

THE WITNESS: Well, just in general in my interpretation of what was being said.

25 THE COMMISSIONER: About what, steroids?

THE WITNESS: No, just in general our ability to understand each other would be perhaps enhanced by the fact that we knew each other for many years.

5 MR. FUTERMAN:

Q. Well, I may very well want to do that. Are you saying I shouldn't?

A. Oh, that would be nice.

10 Q. I am here for a while. Is it fair also to say that you have had to--

THE COMMISSIONER: These are all the discussions before they go to the doctor? I'm just trying to get this chronology together.

15 MR. FUTERMAN: Yes.

Q. Is it also fair to say that from time to time, you and a friend had had a conversation and that both of you have walked away thinking that you've--

20 THE COMMISSIONER: Well, Mr. Futerman, these hypothetical question are not--I know the point you're trying to make, but you're not advancing it by these examples.

MR. FUTERMAN: Okay, I'll pass on to the next one.

25 THE COMMISSIONER: They don't really prove

very much at all.

MR. FUTERMAN:

Q. In any event, is it fair to say, Mr.
5 Francis, that when it comes to understanding, that you are
somewhat brighter than most of the athletes that you were
looking after and Ben specifically?

THE COMMISSIONER: It depends what you are
talking about, Mr. Futerman.

10

MR. FUTERMAN:

Q. When it comes to any subject, whether
you are talking about track and field or nuclear powers or
any area, are you somewhat brighter than Ben Johnson?

15

A. I am somewhat older. I don't know that
I might say--it depends on the field. It depends on the
area. In terms of actual perception of track and field,
well, that's open to interpretation. The best person to
analyze Ben Johnson is, indeed, Ben Johnson. And in
20 studying Ben Johnson as I would as a coach, then in that
case, he is brighter than I am because I have to rely on
his feedback to me to tell me how he is at any given time.

Q. In terms of understanding the issue of
anabolic steroids, was Ben as bright as you?

25

A. I would believe not at that time.

Q. Now, you took Ben to see a doctor.
That was in 1981. Do you remember what month?

A. No, it was late in the year.

Q. Did the doctor discuss with Ben-- it
5 was just you and Ben, I gather, that went to see the
doctor?

A. That's my belief, yes.

Q. And you had set up the appointment?

A. Yes.

10 THE COMMISSIONER: What was the purpose of
this?

THE WITNESS: To discuss the subject with a
doctor. Basically to render an opinion for Ben's benefit.

THE COMMISSIONER: The subject being--

15 THE WITNESS: Being anabolic steroids.

MR. FUTERMAN:

Q. During the time up to the time you saw
the doctor with Ben, did you ever use the word cheating in
20 discussing the use of anabolic steroids in the context
that you had envisaged for Ben?

A. No, I did not.

Q. And when you went to see the doctor--

THE COMMISSIONER: I'm sorry, I thought you
25 said that you told him it was banned?

THE WITNESS: I told him it was banned, but on the basis of my perception of the level playing field, I would not have advanced the case of cheating.

THE COMMISSIONER: I see.

5 THE WITNESS: Because that was not my belief on the international scene.

MR. FUTERMAN:

10 Q. Thank you, Mr. Commissioner. So I'll understand it better, you told him it was banned, but as a matter of international fairness, you felt it was important for Ben to go on an anabolic steroid program in order to have a level playing field internationally?

A. That's correct.

15 Q. All right. And were you persuasive? Did Ben believe you?

A. I believe he did, yes.

Q. Was it Ben's idea to see this doctor or your idea?

20 A. My idea.

Q. And this was the same doctor that you had taken Angella to in 1979?

A. Yes, and my personal physician.

Q. That was your own family doctor?

25 A. Well, a new one, yes.

THE COMMISSIONER: I didn't hear the answer.

A. He was a new doctor. I had gone to him since 1979.

5 MR. FUTERMAN:

Q. And between '79 and '81, had you discussed anabolic steroids with the doctor from time to time?

A. Yes, I had.

10 Q. And were you pretty confident that he was more or less in tune with your own thinking on the subject of anabolic steroids and the side effects?

A. Yes, I believe he felt the same way about side effects. He was equivocal about whether he
15 felt they were performance-enhancing.

Q. So that you were taking Ben to a doctor that already in your opinion had a biased view about the side effects of anabolic steroids?

A. Why would I consider it a biased view?

20 Q. Well, it was a view that he felt there was no side effects or very little side effects.

A. In low doses, yes.

Q. You already knew his view and that view corresponded with your own view.

25 THE COMMISSIONER: I think Mr. Francis was

objecting to the word bias. I think he objected to using the word bias.

MR. FUTERMAN: That may have been too strong.

5 A. If indeed I had gone to two different doctors,-- three by now, the doctor that prescribed him initially, that was in 1973, this doctor now, and I had listened to Dr. Clement, and if on all three occasions they have stated that in low doses there are no side
10 effects, then why would I believe that this doctor in particular was biased?

Q. Well, fair. Perhaps the word biased was too strong. Let's talk about the fact that he shared your view.

15 A. That would be fair.

Q. All right. Did it make any sense to you that Ben perhaps should choose another doctor since you were anxious for him to make up his own mind about whether or not there were any side effects to the use of
20 anabolic steroids?

A. Well, he had his own doctor.

Q. Well, did you suggest he go to that doctor instead of your doctor?

A. No, I did not.

25 Q. Well, why would you want him to go to

your doctor when he already had his own doctor?

A. I wanted him to talk to someone who would speak in general terms about--

Q. Who shared your view?

5 A. Not necessarily, no.

Q. I guess I have difficulty understanding when you know someone has their own doctor, why you would tell that person to go to your doctor when you're talking about a subject matter that surely Ben's doctor was as
10 qualified as your doctor to discuss.

A. That's fair.

Q. So was there any reason why you chose your own doctor beyond the reason I have suggested to you?

A. Which is?

15 Q. Which is that you wanted him to see a doctor that shared your view as to the fact that anabolic steroids was not harmful in low dosages?

THE COMMISSIONER: Well, I am not certain--is there any evidence that this doctor was
20 actually advocating the use of steroids?

MR. FUTERMAN: This doctor will give evidence, and I will be surprised if it's exactly as we've heard.

THE COMMISSIONER: That seems the
25 underlying premise of your question though, that he being

taken to the doctor advocates steroids.

MR. FUTERMAN: No, but I think that this is the evidence respectfully from this witness, Mr. Commissioner, that he already knew, not advocating
5 steroids, but advocating that there was no harmful side effects. He was not advocating, he was expressing the opinion that he had already determined, which may not be in keeping with what doctors--

THE COMMISSIONER: No, I had just wondered
10 whether I'd missed the evidence because I've heard nobody suggest this doctor say he had actually advocated--

MR. FUTERMAN: No, I think that's a fair comment and maybe we should clear the record up right now.

15 Q. At no time did this doctor advocate the use of anabolic steroids? Is that a fair statement to make?

A. That's a fair statement.

20 Q. All we are talking about insofar as this doctor's involvement is concerned is his opinion as to the side effects of anabolic steroids when used in small dosages; is that correct?

A. Yes, I believe that's correct?

25 Q. And he felt that if used in that way, it would not be harmful to the athlete?

A. I think that's right.

Q. And you knew that opinion before you took Ben there; is that correct?

A. That's correct.

5 Q. You never at any time suggested to Ben that he should see his own doctor just to confirm that opinion?

A. No, I did not.

10 Q. In retrospect, would that have been wise?

A. It might have been.

Q. Did you know that Ben had been seeing his own family doctor since he came to Canada in 1976?

A. I believe so, yes.

15 Q. All right. Let's talk about the meeting with the doctor. Do you remember the date of that meeting?

A. No, I don't.

Q. Do you remember who was present?

20 A. Myself and Ben.

Q. And how long did the meeting take?

A. I don't know. Half an hour perhaps.

25 Q. I know this has been a long time ago, this is seven and a half, almost eight years ago, tell me as best as you can, your recollection of how the issue of

anabolic steroids came out during the course of that meeting. Who started the conversation, you or the doctor or Ben?

5 A. I believe I started the conversation by saying that, you know, there was a possibility of anabolic steroid use and perhaps there should be some discussion and so forth and try to open the door a little bit.

10 Q. Are you saying that you told the doctor that you were considering using anabolic steroids with Ben Johnson?

 A. That he was considering using them, yes.

 Q. And was that all you said as a starting point?

15 A. Yes, to the best of my recollection.

 Q. And did Ben acknowledge the truthfulness of that statement by saying something in reply or in support?

20

25

A. Acknowledge the truthfulness of the statement?

Q. Yes? Did Ben say anything after that statement. Did Ben say, yes, I'm here because I want to hear about anabolic steroids?

A. Not to my recollection.

Q. It doesn't sound like something Ben would say?

A. No.

Q. He just sat there and waited for you to finish and then the doctor started at that time?

A. Yes.

Q. What did the doctor say?

A. He said that -- basically reiterated the same argument but he did not express the opinion that he could be sure that, in fact, anabolic steroids would help.

Q. The meeting took about half an hour, is that right?

THE COMMISSIONER: What was he talking about, the doctor? I'm not quite clear. Were you present through the conversation?

THE WITNESS: Yes, I was.

THE COMMISSIONER: What was your recollection that the doctor would say or did say?

THE WITNESS: To the best of my recollection,

he just discussed the fact that he didn't feel they were harmful in low doses.

THE COMMISSIONER: What's they?

THE WITNESS: Anabolic steroids.

5 THE COMMISSIONER: What language did the doctor use, do you know?

10 THE WITNESS: Anabolic steroids. But he was questioning the potential benefits. He wasn't sure of the trade off, whether inded, they would help performance or not.

THE COMMISSIONER: Who was he speaking to?

THE WITNESS: Well ---

THE COMMISSIONER: Who was he addressing?

15 THE WITNESS: All three of us were having a conversation.

MR. FUTERMAN:

Q. Is it fair to say that Ben participated in that conversation to the same degree that you did?

20 A. Well, I wouldn't say that either of us participated as much as the doctor did. The doctor was doing most of the talking.

Q. Between you and Ben who was doing the talking?

25 A. Well, as I say, we were doing the

listening. You know, I opened the conversation and the doctor was talking from there.

Q. After that, the doctor carried off the next 29 minutes or did you intervene from time-to-time and ask questions?

A. I imagine I would have asked questions.

Q. Did Ben ask questions?

A. Not to my recollection, no.

Q. In fact, isn't it fair to say that during the entire half hour Ben sat there and did not ask one question?

A. I don't recall him asking any questions, no.

Q. Did that give you the impression that Ben understood everything that was being said?

A. I was under the impression he understood what was being said.

Q. In retrospect is it possible that you were mistaken about that impression?

A. I suppose it's possible, yes.

Q. Sure. We've learned during the past week that you have an excellent memory and you've been able to give us dates and records and times but you can't remember -- perhaps you can -- any of the other statements the doctor made during the course of that meeting

specifically as opposed to generally?

A. No, not specifically, other than there was a discussion about anabolic steroids.

5 Q. I guess it didn't occur to you, perhaps it did, did you suggest to Ben that perhaps he should bring his mother or sister along?

A. No, I did not.

Q. I guess you felt it would be wise for Ben not to tell them?

10 A. I didn't say anything to him about that, one way or the other. But obviously he was aware that the substances were banned and were not something to be advertized around. If he wished to tell his mother, that would certainly be his prerogative but obviously it would be
15 on a confidential basis.

Q. Okay. During the course of the meeting, as far as you can recall, did the doctor explain specifically what an anabolic steroid was?

A. Not to my recollection, no.

20 Q. Did the doctor actually say, as far as you can recall, that if used in small dosages anabolic -- the sides effects to anabolic steroids were nil?

A. Words to that effect, yes.

25 Q. What were the exact words that you can recall?

A. I can't recall the exact words as I said. But I can recall that the conversation was that anabolic steroids, when used in low doses, had not shown side effects.

5 Q. What I'm having some trouble with and perhaps it's just me again, Mr. Francis, you gave us the impression the other day that you almost had a photographic memory. Am I wrong or right about that?

10 A. I have a very good memory about details on the track. I think we've been through that when we discussed the travel dates and so forth. I'm very clear on competitions, I'm not so clear on the peripheral details.

15 Q. That's fair. So that when it comes to conversations, your recollections are not quite as good, is that fair to say?

A. As the competition details?

20 Q. No, I'm talking about conversations about matters other than the specifics on competitions. For example, you're talking about anabolic steroids. Do you have an excellent memory about that, an average memory or a poor memory?

A. I would say I have an average to reasonable memory. It's some years ago.

25 Q. Would you not think that one of the more important conversations that took place in the past seven

and a half or eight years was the conversation the doctor had with you and Ben in his office?

A. I wouldn't have attached that significance to it at that time, no.

5 Q. Even though Ben was embarking on a program of anabolic steroids for the first time?

A. I don't believe at that time I would have an attached a significance to it, otherwise I would think I would have remembered it better.

10 Q. All right. So that Ben, at that meeting, never said anything and, in fairness, you have no idea what whether he understood the doctor or not. I think you've said that?

15 A. I believe that's fair to say that I can't be sure.

THE COMMISSIONER: I would expect that the doctor would make certain that the patient would understand what he's saying I think.

MR. FUTERMAN: Well, let's examine that.

20 THE COMMISSIONER: Pardon?

MR. FUTERMAN: I guess the doctor will have an opportunity to come forth and tell us about that.

THE COMMISSIONER: I think his evidence might be more important than Mr. Francis.

25 THE WITNESS: To be fair, the doctor did not

prescribe steroids at that point so I don't know whether --
how far ---

MR. FUTERMAN: No one is suggesting that. We
just want to know ---

5 THE COMMISSIONER: I'm sorry, there is no
prescription at that time by the doctor.

THE WITNESS: No, not at that time.

THE COMMISSIONER: Did he examine Mr. Johnson
at all at that time?

10 THE WITNESS: No, he did not.

THE COMMISSIONER: Thank you.

MR. FUTERMAN:

15 Q. Did he suggest that Mr. Johnson should be
examined before he embarks on any anabolic steroid?

A. He did not go that far with the
discussion because there was no decision that he was going
to use anabolics at that time.

20 Q. Did he suggest to Ben Johnson that he
should speak to his own family doctor before embarking on
any anabolic steroid program?

A. I don't believe so.

Q. In any event, it was your impression that
Ben understood what the doctor told him?

25 A. It was my impression based on my earlier

conversations, yes.

Q. Now, did you at any time tell Ben, any time prior to his embarking on a steroid program, that if he was caught he would be banned as a runner from competition?

5 A. Yes, I did.

Q. When did you tell him that?

A. I told him that in the first conversation we had about it. I repeated it.

Q. He understood that?

10 A. To me, he understood that clearly because it was necessary that he understands since he had the substance in his possession and indeed, you know, I was putting my career in his hands. So obviously, I believed to the best of my ability, that he understood clearly what it
15 meant. And in some detail, with the clearance times, the dates, the cycles, everything as well.

Q. And Ben understood all of that?

A. I believed so, to the point where I was staking my career on it, yes.

20 Q. I understand that you were relying on his integrity. But did he understand the cycles?

A. I was relying on his ability to understand, yes.

25 THE COMMISSIONER: As I understand, what Mr. Francis is saying, it's essential for an athlete who is on a

program to understand the program and follow up certain
protocal and alo make certain that they know the last time
to take the banned substance before a meet. That's what
you're saying?

5 THE WITNESS: Yes.

THE COMMISSIONER: And therefore, that was
essential for both the athlete and for the coach.

MR. FUTERMAN:

10 Q. At that particular time, Mr. Francis, I
think the steroid program was that each of the athletes
would be taking, I guess it was Dianabol pills at that time?

THE COMMISSIONER: Of course, in this moment
in your cross-examination, Mr. Johnson is not on any
15 steroids.

MR. FUTERMAN: That's correct.

THE COMMISSIONER: I just want to keep track
of the chronology.

MR. FUTERMAN: Perhaps we've jumped ahead.
20 Thank you. Let's go back.

MR. FUTERMAN:

Q. In any event, as a result of the meeting
with the doctor and as a result of other conversations you
had with Ben, you embarked on a program of anabolic steroids
25 with Ben?

A. That's correct.

Q. And Ben went along with it?

A. Yes, he did.

Q. And when did the program start?

5 A. I believe it would have been November of 1981.

Q. And was that the same time that the program started with Desai and Tony?

A. That's correct.

10 Q. Is it fair to say at this particular time, just to sum this up, that you were able to persuade your athletes of two important facts.

Number one, everyone of world class prominence in track and field class was doing it. Therefore, there
15 wasn't anything morally wrong.

Number two, there were no known side effects in small dosages. Therefore, it was not dangerous to your health -- to their health. Did you persuade them of those two facts?

20 A. Yes, I expressed my belief to them.

Q. Very strongly?

A. I wouldn't say very strongly. I certainly told them.

Q. Is it fair to say at that time and,
25 obviously for many years to come, you were a very important

influence in their lives?

A. That's correct.

Q. Is it fair to say that if you hadn't suggested the use of anabolic steroids to these three young men, it is quite possible, perhaps probable, that they would not have taken steroids then and perhaps ever?

A. It is possible. However, you have the circumstance where two out of the three were given steroids at another location and may or may not have taken them.

Q. As far as you knew, they denied taking it?

A. To me, yes, at that time.

Q. But, didn't you believe them?

A. I don't know. I believe that that will come out in the Inquiry.

Q. Why would they lie to you about not taking steroids?

A. If they --

Q. Can I finish my question?

A. Okay.

Q. Why would they ---

THE COMMISSIONER: He said he doesn't know, Mr. Futerman. He is not saying they were lying, he said he doesn't know.

MR. FUTERMAN: Okay, we'll move on. That's

fine.

MR. FUTERMAN:

5 Q. In any event, you told them if they don't
use steroids, that they would be losing at least one metre
in the 100 metre race because that's the only way that they
can compete internationally. If they want to compete
internationally, they have to be prepared to lose one metre
in any race they have with the world class international
10 runners if they don't use anabolic steroids?

A. Yes.

Q. Did you leave them with that impression?

A. Yes, I did.

15 THE COMMISSIONER: Were you using that formula
in November of '81, the one metre.

20 THE WITNESS: I wouldn't necessarily say I
was using it in exactly those words but certainly I made my
position clear to them, that I believed that the top
competitors at the highest level were using anabolic
steroids.

THE COMMISSIONER: Mr. Futerman was putting
that one metre to you. I was wondering if you were using
that exact ---

25 THE WITNESS: I wouldn't say that I used that
exact analogy.

THE COMMISSIONER: Back in '81?

THE WITNESS: I certainly made it clear that I believed that it was an advantage that was being used by the top athletes in the world.

5

MR. FUTERMAN:

Q. From your perception, is it fair to say that Ben really had no choice but to go on this program after you gave him this reasoning?

10

A. No, I would not say that's fair.

Q. It's not fair?

A. For the simple reason that I had many athletes. Many of them did not go on anabolic steroids.

15

Q. Did you discuss this with many athletes at that time?

A. Some of them approached me and discussed it and decided not to and some of them didn't approach me at all.

20

Q. You approached Tony and Ben, perhaps Angella, and Desai specifically. What other athletes did you approach at that time?

A. Well, I never approached anyone specifically in that way.

Q. So there is a difference?

25

A. I imagine you can say so, yes. These

were the highest level performers.

Q. You went to your best athletes at that time and you told them if they want to compete internationally they had to go on an anabolic steroid program, is that correct?

A. No, I didn't say to compete internationally. I said to compete at the highest level internationally.

Q. Is that correct?

A. They were all international athletes.

Q. And any of your other athletes that weren't quite as good as them, why waste your time on giving them steroids?

A. That's hardly a fair comparison.

Q. Well, how would you compare it?

A. I would say when an athlete is at a high level and is prepared to take that extra step, then it's fair to introduce it. If an athlete still has a long way to improve, then you don't put the icing on the cake before you've made the cake.

Q. As a matter of fairness, were there not other athletes at the same age group also trying to reach the highest level part of your track club?

A. Certainly, but they were not at their level of training where it would be helpful to them.

Q. Did you not realize that by giving these other athletes anabolic steroids, that you were giving them more difficult for them to reach their level, ever?

5 A. The level that they were before they started? No, I wasn't changing that.

Q. How could these kids, these young men or ladies that were not ---

10 A. You're suggesting beforehand and then talking about afterwards. I'm talking about the level at which those athletes were when the conversation of steroids came up in the first place.

Q. You're saying those ---

15 A. That is not influenced by whether or not they go on and take steroids and move to a higher level. That level remains constant constant. If others had risen to that then I would be prepared to discuss it with them.

Q. So, it was the level -- what was that level?

20 A. These athletes were below 10.30 in 100 metres.

Q. Pardon?

A. They were running 10.30 electronic in the 100 metres, a very high level performance.

25 Q. So, as soon as they reach a certain level, you sit down and talk anabolic steroids with them?

A. I think that would be a way to put it. You could discuss that at a level where the athletes were running and they were prepared to break out into the world group.

5 Q. That's the time you tell them the facts of the life internationally?

A. I believe that was the position I took, yes.

MR. FUTERMAN: All right. I don't know ---

10 THE COMMISSIONER: I've got a few more minutes, unless ---

MR. FUTERMAN: Sure, no, we've got lots of questions.

THE COMMISSIONER: Okay, thank you.

15

MR. FUTERMAN:

Q. Who prescribed the initial dosages for Ben, Desai and Tony?

20 A. Well, I gave them the original doses.

Q. You gave them each a bottle of 100 pills?

A. Well, I gave them ---

Q. Of Dianabol?

25 A. ---a supply. It wasn't a full hundred for each of them.

Q. You got those pills, I think you said,
from Bishop. Is that correct?

A. That's correct.

THE COMMISSIONER: Bishop Dolegiewicz.

5 MR. FUTERMAN: I have a lot of trouble
pronouncing his second name and I don't want him to be
offended.

THE COMMISSIONER: It's Bishop Dolegiewicz.

MR. FUTERMAN: Thank you, Mr. Commissioner.

10 THE COMMISSIONER: Or Mr. Dolegiewicz. He's
not a Bishop.

MR. FUTERMAN: In that area I will bow to your
expertise, Mr. Commissioner.

15 MR. FUTERMAN:

Q. Mr. Francis, when you got these pills
from Bishop D....

THE COMMISSIONER: Mr. D.

20 MR. FUTERMAN:

Q. Mr. D, did it come in a container of any
kind?

A. Yes, I got a couple of bottles of
Dianabol. I believe there were two bottles.

25 Q. And the container had a label on them?

A. Yes, it did.

Q. And as most ---

THE COMMISSIONER: They did have a label?

THE WITNESS: It will a label, yes.

5

MR. FUTERMAN:

Q. Sure, And, I guess somewhere on the label
it says Dianabol?

A. Yes.

10

Q. And, as most labels, it indicates
somewhere along the line, I suppose, of all the labels I've
ever seen, expires on such and such a date?

A. I would imagine so.

15

Q. Sure. And did you see what the expiry
date was?

A. No, I did not.

20

Q. No. And I think you said recently, as
recently as last year, perhaps I've forgotten, you were
still in possession of these pills, perhaps as recent as
this year?

A. They were Dianabol tablets from '82, yes.

Q. '82? I frankly thought they'd even
started earlier than that?

A. No, 1980 and then some more came in ---

25

Q. 1982?

A. ---1982.

THE COMMISSIONER: He had two purchases according to his evidence.

5 MR. FUTERMAN:

Q. So that some of these pills you had had in your possession, at least seven years, six and half to seven years, is that fair?

A. From '82 to the present?

10 Q. Yes?

A. Well, they would have run out from now. So, it would be five and a half years perhaps.

Q. I had the impression you still were left with some pills that you gave over to the Inquiry but I ---

15 THE COMMISSIONER: Not Dianabol.

THE WITNESS: No, not Dianabol.

MR. FUTERMAN:

Q. When did they run out?

20 A. I believe last year, I guess.

Q. 1988. So as far as you knew, some of your athletes were using potentially ---

THE COMMISSIONER: I thought the evidence was they switched from the pill form of Dianabol to water base?

25 MR. FUTERMAN: They did. But they kept the

pills, I believe, and they were never told that the pills had expired. This is the point I'm ---

THE COMMISSIONER: Or had they ---

THE WITNESS: I'm not clear on that because
5 it's possible that additional pills came from Dr. Astaphan.
I'm really not clear. The supply was out of my possession.

MR. FUTERMAN: I guess my concern is, I have
no idea what the life term is, but I have the impression
that there is a life term and I guess that can be clarified
10 hopefully through some other witness.

THE WITNESS: They would have been used ---

MR. FUTERMAN: But, more importantly ---

THE COMMISSIONER: Excuse me. Now, wait,
please. When I talk everybody listens.

15 MR. FUTERMAN: I'm sorry.

THE COMMISSIONER: And nobody else talks.

MR. FUTERMAN: That seems fair, Mr.
Commissioner.

THE COMMISSIONER: I think the witness was
20 explaining -- as I understand it, he says there were two
purchases and then I think you're saying something that
there might have been others, may have been obtained from
other sources, so far as you know? But I thought they
changed from the Dianabol to water based Dianabol?

25 THE WITNESS: Yes, at the end of the '84

season so the '82 supply should have been used by '84.

MR. FUTERMAN: I'll go over my notes but I had the impression that the pills stayed in the possession of the athletes and certainly in Mr. Francis' possession for many, many years and really the area that I was trying to move in gradually and slowly, was whether he took any notice of what the expiration of these pills were.

THE COMMISSIONER: I understand the point. He said he does didn't know.

MR. FUTERMAN: He did not know.

MR. FUTERMAN:

Q. In retrospect, was that not an important fact to know?

A. First of all, I would say those pills were used by 1984. Perhaps Dr. Astaphan had supplied a few more tablets; I don't know. The only exposure that I know of, there were some oral Dianabol tablets taken by Angella Issajenko.

Q. In fairness, you paid no attention to that, is that correct? It wasn't a concern of yours?

A. That there would be an expiry date?

Q. Yes.

A. I assumed that they were used by 1984.

Q. I didn't ask you that. Was it something

that concerned you?

A. No, I wouldn't say so.

Q. In retrospect, should it have been something that concerned you?

5 A. Possibly.

Q. Yes. And in fairness, once again, did you have any idea how long Bishop had those ---

THE COMMISSIONER: Mr. Dolegiewicz.

10 MR. FUTERMAN:

Q. Mr. D. had those pills before he gave them or sold them to you?

A. I believe he had purchased them in the United States.

15 Q. Did you know that?

A. No, I believe that.

Q. In fact, didn't the label show the place where they were purchased or manufactured was West Germany?

A. I'm not clear.

20 Q. Or did you pay attention to that?

A. I'm not clear.

Q. All right.

THE COMMISSIONER: All right. Would this be a convenient -- at least this is convenient for me.

25 MR. FUTERMAN: Thank you, Mr. Commissioner. I

didn't mean to look at the clock.

THE COMMISSIONER: No, no. All right.
Tomorrow morning at ten o'clock.

5 ---Whereupon the proceedings were adjourned to resume at ten
o'clock March 8, 1989.

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